



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, WEDNESDAY, NOVEMBER 7, 2007

No. 172

## Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, how great You are. You are robed with honor and majesty. Today, lead our lawmakers in their work. May they be messengers of unity and hope in a world of derision and despair. Make them productive servants who live lives that honor You. Remind them to act with justice, to love mercy, and to walk with humility. May they speak Your words that lead to life and find a firm footing by living with integrity. Because You are merciful, guide them away from crooked roads where they might slip and fall. Sovereign Lord, strengthen our Senators to seize opportunities that bring peace, hope, and freedom.

We pray in Your wise Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the Senate will recess shortly for a joint meeting to hear an address from the President of France, Nicolas Sarkozy.

### ORDER OF PROCEDURE

I ask unanimous consent that the recess order be changed—it now has us reconvening at 12:15 p.m.—to subject to the call of the Chair. That way, if it doesn't work out exactly at 12:15 p.m., no one will be disadvantaged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, when we reconvene, we will go right to work on the Labor-HHS-VA appropriations conference report under the parameters of the agreement entered last night. In addition, the Senate also may consider the WRDA conference report after disposition of the Labor-HHS conference report. Members can expect rollover votes during the day. We will also, of course, be on the farm bill, interspersed through all the other work we are doing. Hopefully, at the end of the day, we can work something out.

I had a conversation with the distinguished Republican leader last night. There may be something we can work out on the amendments. I note for the record, as I explained to my Republican counterpart last night, there was conversation on the floor yesterday that

the last time the farm bill came up, Senator Daschle was the leader. At that time, there were 16 or 19 amendments, but they were all relevant amendments, with the exception of one from Senator KYL of Arizona which was a sense-of-the-Senate amendment dealing with the estate tax. Other than that, they were all relevant to the farm bill. That is the way it has been. We went back and checked, and that is the way it has been for very many farm bills. That is what we should do on this farm bill, as I have suggested. But we can work something out with the minority and come up with a list of amendments. I will be happy to do that if that is something which will make them happy.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair, as indicated in the previous unanimous consent agreement.

There being no objection, the Senate, at 10:35 a.m., recessed, subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear the address of the President of the Republic of France, Nicolas Sarkozy.

(The address delivered by the President of the Republic of France to a joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Thereupon, at 12:23 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. MENENDEZ).

The PRESIDING OFFICER. The majority leader is recognized.

#### ADDRESS OF THE PRESIDENT OF FRANCE

Mr. REID. Mr. President, Senator SPECTER and I are on the floor. We had the pleasure—the entire Senate did—of listening to a joint session presentation by the President of France. It was stunningly good. I have been to a lot of those over the last quarter of a century, and I would put his right up near the top. He was so good.

He spoke about the deep and historic friendship between our two countries. After the speech, I heard Senator JOE LIEBERMAN say to him: President Sarkozy, sometimes we need to be reminded by others of how good we are as a country, how good we have been, and how bright our future can be. That, in effect, is what the President of France told us all as we assembled there.

One thing I wish to mention is one symbol of that friendship is the Legion of Honor Award the President of France presented to seven World War II veterans who are in a category of their own. To be a World War II veteran, a combat veteran, says it all, but to be awarded the Legion of Honor by the French Government puts them in a special category.

One of the presentations was to our own Senator DAN INOUE, a Congressional Medal of Honor winner—well, you don't win one, it was presented to him. Senator INOUE is one of the brave men who served our country during World War II. Senator INOUE, in 1945, was a 20-year-old lieutenant who was grievously injured. He lost one limb and had many other injuries as he was leading an attack in Italy. The President of France recognized the heroism of DAN INOUE, as we do every day.

Senator INOUE was the leader of the 442nd Regimental Combat Team, composed of only Japanese Americans. So for Senator INOUE and for the Senate, this is a wonderful day, and I am so thankful to the President of France and the people of France for recognizing Senator INOUE.

#### FLOOR SCHEDULE

Mr. President, today, we continue to debate the farm bill. This debate is going well. We had good debate yesterday. I wish they had been more directed toward amendments, but it was a good debate—people for and against the bill. That is what Senate debates are supposed to be about. I am confident the bipartisan cooperation that brought this bill to the floor will continue and result in final passage.

There has been some concern over the amendment process. I have made it clear this bill will not fall victim to nonrelevant amendments, and there was a discussion on the floor with me and a number of other Republican Sen-

ators yesterday saying this isn't the way it should be done and we have never done it this way before. But we went back and checked the record and that is the way it is always done. In the last several decades, the farm bill does not have nonrelevant amendments.

On the last farm bill, when Senator Daschle was the leader—he had my job—there was one nonrelevant amendment, and that was a sense-of-the-Senate resolution offered by Senator KYL on the estate tax. We had one of our so-called side by sides, and that was it. All other 18 amendments were all relevant. That is the way it has to be on this bill. It has been recognized for decades that is the only way you can get one done.

I had a productive conversation with Senator MCCONNELL last evening about the process, and I hope we can work something out on the amendments. It is something we need to do, and ultimately that is what we will do. The sooner we do it, the better off we are.

Tomorrow, I am confident and hopeful the Committee on Justice, State, and Housing and Urban Development will meet and confer in conference and come up with proposals so we can bring this to the floor and work out whatever we can do with the remaining bills. Most all the work has been done. I have spoken to Senator MIKULSKI. She has talked to her counterpart in the House, Chairman MOLLOHAN, and they have worked with their Republican counterparts, and so it is something we should get done as quickly as possible.

These bills are extremely important to America's safety and well-being. The Commerce-State-Justice bill deals with, among other things, the FBI and the Drug Enforcement Administration, so it is an important bill and I hope we can move forward on that very quickly.

Today, we turn to the Veterans, Labor, Health, and Education conference report. It is an important bill. The labor aspect of it is chaired by Senator HARKIN and Ranking Member Senator SPECTER. I feel about them—about HARKIN and SPECTER—as I have for a long time about the Energy and Water Appropriations Subcommittee. Senator DOMENICI and I were the chair and ranking member of that for as long as a lot of people can remember, and for Senator DOMENICI and I, who was chair and I was ranking member, it didn't matter that much because we knew the bill and I think we did a fair job of working that bill. I feel the same way about this Labor-HHS bill. It doesn't matter who is the chair, whether it is HARKIN or SPECTER, because we always get a good product. They have done wonderful things and come up with new proposals.

We hear a lot about stem cell research. That idea, legislatively, originated in that subcommittee. They were the first ones who got us focused on that.

I appreciate their hard work. I think they have done a tremendously good

job. There is no reason this package should not enjoy the same overwhelming bipartisan support the individual bill received; that is, the Labor-HHS bill passed here, and I will talk about it here in a minute. The Military Construction-VA got 90-some-odd votes. Both the Veterans and Labor, Health, and Education parts of this bill are just as important as the VA part. The original VA bill passed the Senate overwhelmingly. Democrats and Republicans joined to support this legislation that will address the critical funding shortages that have left tens of thousands—not hundreds, not thousands—tens of thousands of our veterans without the care they have earned and left them without it for far too long.

I am sorry to say the Bush administration has underfunded the VA for years, but no more dramatically has it been underfunded than the request by the President this year. The result of this short shrift and mismanagement has been made so very clear, painfully clear, by the crisis at Walter Reed. The scandal at Walter Reed Medical Center merely highlighted the problem. The wars in Iraq and Afghanistan have stretched the VA to a breaking point. The number of uninsured veterans has skyrocketed. The personal data of millions of vets has been lost or destroyed. Thousands of American veterans we call heroes wait endlessly for treatment because their claims are caught in a bureaucratic nightmare. You can't say you support the troops but leave them high and dry when they return home.

That is why this legislation includes the largest increase in funding for veterans care in the history of our country. We provide almost \$4 billion more than the President's request, funds that will go straight to the core of the problem, making right the awful conditions at Walter Reed and other veterans military facilities, yet will ensure that veterans' personal data is safeguarded. We will make sure that research in post-traumatic stress disorder, traumatic brain injury, and other all-too-common illnesses our returning troops face is dealt with quickly and, most importantly, greatly expand the number of claims managers and health care workers to provide our heroes with the efficient, high-quality care they have so bravely earned.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I thank the majority leader for his kind words about the cooperation between Senator HARKIN and myself in structuring the appropriations bill for the Departments of Labor, Health and Human Services, and Education. As I have said, when the gavel has changed hands, it has been a seamless exchange.

#### SPEECH OF THE PRESIDENT OF FRANCE

Before commenting on the conference report on Labor, Health and

Human Services, and Education, just a word or two about the speech of the President of France which we just heard in a joint meeting of Congress. It was truly inspirational. They applauded the United States for our values and urged close cooperation, alliance, and friendship between the United States and France.

He touched some very important subjects, committing France to expanded participation in NATO, to have Europe take over more of its own defense—which is good news for the taxpayers in the United States since our Nation has undertaken more than its proportionate share. He spoke in emphatic terms about the unacceptability of Iran having a nuclear weapon and the pledge of cooperation from France to engage in negotiations and dialog, to see that does not happen.

There were important words about the Mideast peace process, the need to take risks for peace, the need for a secure Israel, the need for release of intervention in Lebanon by Syria, about the importance of having Israel and the Palestinians come to agreement.

It was a very impressive speech. I think it bodes very well for United States-French relations and for greater participation of France in international matters. He also spoke about global warming—received a standing ovation—about the need for U.S. participation with other nations in environmental protection.

#### LABOR-HHS CONFERENCE REPORT

Mr. SPECTER. Now on to the discussion about the legislation, the conference report. This bill does not contain excessive funding. What we are looking at is a bill which has a cost-of-living adjustment to what the figure was last year. The President has come in with a figure which is \$3 billion less than last year. When you add the cost of living adjustment, and some very modest increases in very important programs, this is a modest bill.

The National Institutes of Health, which have been increased under the stewardship of Senator HARKIN and myself, has been increased from 12, now to \$30 billion. Last year it was \$29 billion. The extra billion dollars does not even keep up with inflation costs.

We have mine safety, which is a major item. It was pared back as much as can be done consistent with the mine accidents most recently in Utah.

Community health centers are still underfunded. Community health services, as has been noted by the President, are very important programs. GEAR UP, a program to deal with at-risk youth, very modestly financed. Very important to my State, Pennsylvania, and Philadelphia, which had 406 homicides last year and a real effort to add mentoring to try to take at-risk youth and try to deal with this issue.

It is my hope we can negotiate with the President and come to an accept-

able term. The President has stated his willingness to negotiate on SCHIP where there is a significant difference between what the President wants and what the Congress has legislated. As the facts suggest negotiations ought to be undertaken on SCHIP, they do as well on Labor, Health and Human Services, and Education.

It is my suggestion these bills not be considered together. They violate the rules in their joinder. There will be a point of order raised, and I believe they ought to be separated in accordance with regular Senate rules.

If we combine the Veterans bill with the Labor, Health and Human Services, and Education bill, we have already been advised there will be a veto of both bills. The veterans financing is too important to be delayed. I chaired the Committee on Veterans' Affairs for some 6 years. The additional funds are necessary, and there would be undue delay if they are joined together.

So it would be my hope they will be separated so the veterans funding can go forward, and we can send this bill to the President with a view to negotiating terms. I have been in touch with the White House, talking about the possibility of coming to an agreed settlement so we can move the appropriations process forward and serve the needs of the American people.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NICOLAS SARKOZY'S VISIT TO THE UNITED STATES

Mr. MCCONNELL. Mr. President, nearly two centuries ago, the Congress welcomed back to America a great Frenchman whose bravery during the Revolutionary War still illuminates the pages of our Nation's early history.

The Marquis de Lafayette wanted to come back to thank his Revolutionary companions and to see the effects of the freedom he and other veterans of 1776 had risked their lives to secure.

His 1824 speech at the Capitol was the first ever by a foreign dignitary before a joint session of Congress, and he was introduced by a Kentuckian. Henry Clay happened to be the Speaker of the House at the time, and he said he could not have had a more gratifying duty than to congratulate the Marquis on his return and, as he put it: To assure him of the satisfaction which his presence afforded this early theatre of his glory and renown.

Mr. President, I ask unanimous consent that Henry Clay's remarks on that

important occasion be reintroduced and printed in the RECORD, 183 years after they were first recorded there.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SPEAKER then rose, and, in behalf of the House, addressed the Nation's Guest, in the following eloquent strain, adorned by those graces of oratory for which he is distinguished:

"General: The House of Representatives of the United States, impelled alike by its own feelings, and by those of the whole American People, could not have assigned to me a more gratifying duty than that of being its organ to present to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satisfaction which your presence affords on this early theatre of your glory and renown. Although but few of the members who compose this body, shared with you in the war of our Revolution, all have a knowledge, from impartial history, or from faithful tradition, of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services in America and in Europe, which you performed, for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not constitute the only motive of the respect and admiration which this House entertains for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also command its highest admiration. During all the recent convulsions of Europe, amidst, as after, the dispersion of every political storm, the people of the United States have ever beheld you true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of Liberty, its faithful and fearless champion, ready to shed the last drop of that blood which, here, you so freely and nobly split in the same holy cause.

"The vain wish has been sometimes indulged, that Providence would allow the Patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place—to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is the realization of the consoling object of that wish. You are in the midst of posterity! Every where you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect, you behold us unaltered, and that is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the Father of his Country, and to your illustrious associates in the field and in the Cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to their latest posterity."

Mr. MCCONNELL. Mr. President, historians tell us Members of the Senate

almost missed the Marquis de Lafayette's speech. Clay and the other House Members did not tell them it was happening until the very last minute, and relations between the two Chambers have not been the same since.

But America's friendship with France has endured. As French President Charles de Gaulle put it in his own 1960 address before a joint session of Congress:

Our common past is filled with efforts and sacrifices. [And] it is great because at all times we have served together for freedom.

Similar to Henry Clay, I consider it an honor today to welcome another great Frenchman to the American Capitol. When French President Nicolas Sarkozy addressed the Congress this morning, he stood beside a painting of the Marquis de Lafayette. Similar to that great Frenchman, President Sarkozy sees much to admire in America. He spoke eloquently about that admiration today. I think there is an important lesson in his words and in his election for the 110th Congress.

President Sarkozy admires America's openness to new ideas and to new people. He admires our work ethic, and he has already begun to implement policies that will make hard work pay in France. In an effort to lure back the so-called fiscal exiles who have left Paris for London or Geneva, he has cut the top tax rate from 60 percent to 50 percent.

He plans to replace two-thirds of retiring Government workers to shrink the size of Government, and to end the right of some Government workers to retire at age 50 with a pension. He is starting to take away the tools French labor unions routinely use to cripple France. To encourage work, he has significantly cut taxes on overtime work.

A lot of people on this side of the Atlantic, and I am one of them, were skeptical about whether President Sarkozy could actually get some of these sensible ideas past his Parliament. We hoped he would. We want France to be strong. He told us today he is deeply committed to carrying his mission through. But the cultural forces opposed to change seemed even stronger.

Yet it turned out his election signaled a deep sense of urgency among the French people, an urgency about their future. Sarkozy put it this way in his book, "Testimony":

I am convinced that no country in the world can get by without effort, and that France, notwithstanding its undeniable merits and prestigious past, will become a thing of the past if it doesn't take the steps necessary to adapt to the changes taking place in the world.

The French people surprised us by electing a free-market reformer. Then they surprised us again by electing a center-right Parliament that could get his ideas through. Some of those ideas, such as cutting the top tax rate, have gone through. The winds of change are clearly blowing through France.

And not just France. Over the past few years, the "Old Europe" model of

big government and bloated entitlements has shown signs of cracking. Germany elected a reformist chancellor from the Christian Democratic Party. Canadian conservatives rebounded under Stephen Harper after near extinction.

Even the Socialists are admitting their mistakes. The Socialist former Prime Minister of France, Lionel Jospin, shocked his countrymen when he blasphemously declared that: The State cannot do everything.

In Italy, center-left Italian Premier Romano Prodi announced in July he would raise Italy's retirement age from 57 to 61. Much of Europe, it seems, is trying to steer itself away from an economic model that has left it with double-digit unemployment and anemic growth. After scoffing at the Reagan Revolution two decades ago, many of them are now taking our 40th President's economic principles to heart.

Meanwhile, in the United States, the new Democratic Congress has turned away from the ideas that righted our own economic ship after the crisis of the 1970s. They are proposing higher taxes on everything from the size of our houses to the gas we put in our cars. They are handing out favors to big labor by proposing to end the secret ballot union elections and by working to defund the Federal office that was created to shine a light on how unions spend members' dues.

The Democratic Presidential candidates are practically tripping over each other to propose newer, bigger entitlements to anybody in Iowa or New Hampshire who will listen. In short, some Democrats in Congress and out on the campaign trail would like to turn America into France, when even the French themselves are obviously having second thoughts.

The effects of the Socialist model in France and other Western European countries are perfectly clear. President Sarkozy recently assumed control of a government that consumes more than 50 percent of France's gross national product. In Germany and in Italy, the percentage of GDP spent by the Government is above 45 percent. Compare that to about 30 percent in the United States. As one economist recently put it:

Europe's economy is so bad because government is so big.

So we congratulate President Sarkozy on his recent victory and his courage in attempting to restore France's economic vitality. America welcomes him. We are hopeful he will help lead the people of France into a new era of prosperity and economic freedom and strengthen the noble tradition of our two countries serving together for freedom.

I urge my Democratic colleagues to heed his message.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3043, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and do the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of November 5, 2007.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as I understand the order, we now have 1 hour; is that correct? Am I correct we have 1 hour divided up in 15-minute blocks?

The PRESIDING OFFICER. The Senator would be advised there is a total of 3 hours, of which the Senator controls 15 minutes.

Mr. HARKIN. Mr. President, I yield myself my 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARKIN. Mr. President, I urge all Senators to support the Labor-Health and Human Services appropriations conference report. The Senate version of this bill passed, as we all know, a couple weeks ago. We had 75 votes in favor of it. We would have had 80 votes if all Senators had been here. So it was a strong bipartisan endorsement of a bill that reflected priorities on both sides of the aisle.

I am here today to say I am pleased the conference report we are considering is even stronger than the bill the Senate approved 2 weeks ago. Much has been added to the bill. I thought what I might do, for the benefit of other Senators, is sort of run through the priorities in this bill and what our appropriations bill does compared to the President's budget. I think it will give everyone a good idea of how strong this bill is, why we garnered so much support in the first place and why I hope we will garner even more support with the conference report.

Right now, the conference report invests about \$8.2 billion more than last year in education, health, and labor programs. The President's budget cut \$3.5 billion—cut \$3.5 billion—from these

programs. I will run through those now, and I will give you a good idea what those are.

Let's take home energy assistance. This is the Low-Income Home Energy Assistance Program. At a time when we have record high energy prices, the conference report boosts it by \$250 million. The President's budget cut the LIHEAP program by \$379 million. It is a clear contrast between the President's budget and where we are.

Student aid. Since this covers education, what we did is have the biggest increase ever in support for Pell grants for kids who are at the lowest rung on the economic ladder who need these grants in order to even go to college. So what we did in our bill is we boosted the maximum award to \$4,925. The President's budget limited it to \$4,550, which is far short of the amount needed to even begin to pay for higher tuition.

Strengthening the poor. Now, here again, in the conference report, we have provided \$2.4 billion in the block grants for the Social Services Block Grant Program and the Community Services Block Grant Program. These are the things that go for housing for the poor. It goes for things such as Head Start Programs, all that helps to shore up our social services system and also community systems—as I said, whether it is housing, homeless aid, things such as that for the country.

We have provided \$2.4 billion for that. The President's budget cut both of these. In fact, it cut the community services block grants to zero. They absolutely zeroed it out. Then they cut the social services block grants by about a third. So when you add them together, he cut them both by about 50 percent—at a time when we have more poor people in this country than we had in the last several years, when, again, the cost of housing is up, all the other things are up for poor people to pay. Yet he wants to cut it by 50 percent. Unconscionable. Well, we met our obligations. We put in \$2.4 billion for that.

The next one is medical research. Now, again, this Senate has been on record time and time again supporting healthy, good increases for the National Institutes of Health for the research needed for overcoming Alzheimer's and Parkinson's and for the research that is being done at the National Cancer Institute and all the basic research that is funded that goes out to all our colleges and universities and other entities around the country.

We made such great progress in breaking the genetic code. We are making such great progress in understanding a lot of the illnesses. We are on the threshold with stem cell research and others of entering into a whole new era of uncovering the causes and the therapeutic treatments and cures for a lot of these illnesses. So we are right on that threshold.

The President's budget cut the National Institutes of Health by \$279 mil-

lion—actually cut it. Our conference report has added \$1.1 billion for the National Institutes of Health. Actually, it is slightly more than what we had in the Senate when we passed the bill a couple weeks ago.

On special education, this Congress, about 40 years ago, said we were going to provide up to 40 percent of the difference in the cost of educating kids with disabilities when they were mainstreamed in our schools. We wanted to put behind us the dark history of the segregation and isolation of kids with disabilities who were taken away from their homes, taken away from their neighborhoods, and sent away across the State to schools for the deaf, schools for the blind or maybe a lot of times were not even given an education.

So about 40 years ago, this Congress decided we were going to meet our constitutional requirements and make sure kids with disabilities had equal and appropriate education. But in doing so, we were going to help the States by providing up to 40 percent of the additional costs of special education.

Well, the high mark has been about 18 percent. That was about 3 or 4 years ago, if I am not mistaken—3 or 4 years ago. Since then, we have gone backward. We are now down, under the Bush budget, to 16 percent. So we are going in the wrong direction. So what President Bush's budget did is slashed \$291 million for special education. What we have done is add \$509 million to State grants to help our beleaguered property taxpayers in New Jersey and Iowa and all across this country, to help them meet the educational needs of our kids with disabilities. So we met our obligations there. The President did not.

On Social Security, we now know people are waiting as much as 15 months to get their cases heard. There is a backlog of several hundred thousand right now. If we do not add the necessary personnel, people are not going to get it, and maybe some of them will die in the meantime. I don't know. People keep getting more and more backlogged and get frustrated by this system. They should not have to do that. People paid in all their lives to Social Security. They ought to get their cases heard in a timely manner. So what we did is we added enough to cut down on the delays. The President's budget would not do that.

On community health centers, again, the President, when he became President, said he wanted to have a community health center in every poor area in the country. I applauded loudly for that. I thought at least here is something the President and we could agree on.

Well, what does the President's budget do? There is no increase at all for community health centers, not a dime. So we put in \$225 million more to increase funding new community health centers in some of our poorer areas of

this country. So we met our obligation there, also, in terms of meeting health care needs of people who do not have anywhere else to go.

The Head Start Program, which has proven its worth clear back to the Great Society. It is one of the Great Society programs. The President's budget cut Head Start by \$100 million—cut it by \$100 million—leaving thousands of kids behind. In our conference report, we have increased it by \$153 million—not nearly what we need to meet the needs of all the kids who want to get into Head Start, but at least under our tight budget requirements, we were able to increase it substantially. So we met our obligations there in Head Start.

So these are some parts of the budget I want Senators to know about. There is a lot of other stuff, too, but these items kind of highlight the difference between where we are in this conference report and where the President's budget is.

Again, I thank Senator SPECTER for the close working relationship we have had. This has been a bipartisan effort from the beginning to right now. Again, that is why I urge all Senators to support this conference report.

Now, the President said he is going to veto it because he said our bill had too much social spending. I would like to ask him to define what he means by "social spending." The way he said it was almost like we were funding ice cream socials or something like that in this bill. Again, this is out of bounds, out of touch. It shows how isolated President Bush has become. Every additional dime we have put in goes to bedrock, essential programs and services this Congress and this President and other Presidents have always supported.

It is interesting that in the last 5, 6 years, the President has not vetoed any appropriations bills. When the Republicans were in charge, the President did not veto an appropriations bill, even though they were over what his budget requests were.

Lo and behold, the Democrats, because of the last election, now control the House and the Senate, and the President said he is going to veto every one of them, except Defense, I guess, maybe Military Construction-VA. All the other ones he is going to veto. He is going to veto the Labor, Health and Human Services, and Education appropriations bill because it has "too much social spending." Yet he signed all the other bills before this year.

I find that more than passing strange that the President, this year, says he is going to veto it. Well, it all adds up to politics. Evidently, the President and his advisers think somehow they are going to get some kind of political gain—some kind of political gain—by vetoing our bill for Education, Health and Human Services, and Labor.

Well, I do not know what kind of calculus goes into that, but it is bad calculus. It is bad calculus if the President thinks he might make some political gain by cutting Head Start Programs or by cutting special education or by cutting funding for the National Institutes of Health because it is over his budget, it is "too much." Well, he never said that before. He never said that before to any Republican appropriations bill that passed in the last 5 years. I guess only because the Democrats are in charge he wants to veto it.

I would say to the President: This is not a Democratic bill. Yes, we may be in charge because of the election last year, but I still point out that this bill passed the Senate with 75 votes. As I said earlier, there were five missing who would have voted for it. It would have been 80 to 20. You cannot get much more bipartisan than that. It is not a Democratic bill.

Senator SPECTER and I and other people worked very hard on this bill. So I do not see where the President comes across in saying he is going to veto it. I think the President is so isolated, so out of touch that someone said: Well, this is over your budget, so you have to veto it. And he said: OK. Fine, I will do it.

Well, again, the other thing is, when the President sent down his first veto message on this bill, he said he was going to veto it because of two things. He was going to veto it because we had included a provision dealing with stem cell research, which he was opposed to and because it was over his budget.

Well, both Senator SPECTER and I agreed in the beginning—even though we both feel very strongly about overcoming the President's dictates on stopping funding for stem cell research—even though we feel strongly about that, we were willing to go halfway to meet the President. We said: OK, we will take the stem cell portion out of here. So we would like to meet you halfway. Well, what we heard from the White House was: That is not enough. It has to be all his way, all the President's way.

Well, that is not the way we do things around here. We compromise. The art of democratic rule is to make our compromises. So I figured, if we gave up on our stem cell, then he might give up a little bit on his. But that is not the way the President sees it. It has to be all his way or no way.

Again, we do not do business like that around here. As I said, we have a farm bill on the floor this year that I am also chairing, and it is not all I want, it is not all anybody wants. In the farm bill, we have to make our compromises and agreements to get the job done.

But this President is unwilling—unwilling—to compromise, unwilling to sit down with us and hammer out some kind of a reasonable compromise. So we are left with only one course of action. We have to fulfill our constitutional responsibilities as appropriators

to fund the Government, to fund that which Senators and Congresspeople think are priorities and, yes, that the administration also thinks are priorities. So our constitutional obligation is to work these things out and get the best bill we can that people agree upon. As I said, with 75 votes, you can't get much better than that. So I guess we are left with only one course of action: Pass our bill and get it to the President, and I guess he will veto it. It doesn't make sense to me. It makes no sense for the President to veto this bill. As I said, I can't figure out what he—and then to veto it without saying: Let's sit down and work and maybe we can get some agreement. That has not happened. So, again, we are left with only one course of action: Pass the bill, the conference report. I hope Senators will support it as strongly, if not more strongly, than they supported the original bill that passed in the Senate.

Finally, let me say this: Even with this conference report, we have met all of our pay-go requirements. This bill does not add a single dime to the deficit of this country—not a dime. But by cutting a little bit here and adding there to certain priorities, we were able to get a bill that we basically all agree upon. Would I have liked to have had more in NIH? You bet I would. Would I have liked to have had more in the Head Start Program? Yes, I would have. Would I have liked to have had more for special education? Yes. The President wanted less than that, so we tried to meet him halfway. Yet the President says no, he wants it all his way.

So I hope Senators will support this conference report on Education, Health and Human Services, and Labor overwhelmingly, send it to the President, and hopefully he will change his mind. Hopefully, between now and then, he will think: Well, you know, maybe I should sign it, after all. Hope springs eternal. We will just have to wait and see. If he signs it, God bless him. That is good. We will be done with it, and we will move on to next year. If he vetoes it, well, we will just have to come back and hopefully, with the 75 or 80 votes we have had for it, we will override the veto. It is just not a good way to do things, and it causes the kind of confrontation and it causes the kind of bad things happening in Washington that the people of this country want us to end. They want us to work things out and move things along. We have done it here in the Senate. We have done it in the House with Republicans and Democrats. Now it is up to the President to also sit down and negotiate in good faith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I am pleased this afternoon to recommend the Military Construction, Veterans Affairs, and related agencies division of this conference report to the Senate. This is an extremely important and

time-sensitive funding measure, and I urge my colleagues to adopt it without delay as part of the Labor and Health and Human Services conference report and send it to the President to be signed into law.

I am particularly honored to be presenting this measure to the Senate on behalf of the chairman of the subcommittee, Senator TIM JOHNSON. We have worked closely throughout the entire appropriations process, and the Military Construction and Veterans Affairs provisions before the Senate today are the product of a thoroughly collaborative and a cooperative effort, but the leadership was provided by Senator JOHNSON. I appreciate Senator JOHNSON's graciousness in allowing me to offer this conference report on his behalf.

I would also like to thank the ranking member of our subcommittee, Senator HUTCHISON, for her excellent work and cooperation in developing this conference report and the chairman and ranking member of the full committee, Chairman BYRD and Senator COCHRAN, for their strong support and guidance in shepherding this legislation to the floor.

The Military Construction and Veterans Affairs conference report before the Senate today is fair, balanced, and a bipartisan piece of legislation that deserves the full support of the Senate.

The Military Construction and Veterans Affairs portion of this conference report is critically important to our Nation's military forces and to our veterans. It includes \$64.7 billion in total discretionary funding—\$3.7 billion over the President's budget request for the Department of Veterans Affairs. This level of funding includes \$37.2 billion for veterans health care, a high-water mark in the history of the Department—the largest sum of money ever appropriated for veterans health care. Indeed, it is consistent with the independent budget the veterans organizations have proposed year after year. This is the first time we could match their goal with our appropriation. We have provided \$2.6 billion more than the President requested for veterans health care and \$373 million more than the veterans service organizations sought in the independent budget. We have, in fact, gone beyond what the independent veterans organizations have suggested in their budget. This level of funding is a clear demonstration of the importance this Congress places on the health and welfare of our Nation's veterans.

The funding included in this conference report supports a myriad of programs crucial to America's veterans, including funding the veterans hospitals, clinics, and veterans centers, as well as cutting-edge research into critical areas of health care such as traumatic brain injury and post-traumatic stress disorder. As a result of the asymmetric combat we are witnessing in Iraq and Afghanistan, this Nation is



producing a new generation of veterans, and they have markedly different service-related injuries than were experienced in previous wars. Thankfully, more service men and women are surviving their war wounds, but many are surviving with catastrophic physical and mental injuries.

The nature of veterans health care for new veterans is changing dramatically, while the demand for short-term and long-term health care for veterans of previous wars is rapidly increasing as the veteran population ages. We have two currents rushing together: veterans of World War II and Korea who are now in their seventies and eighties requiring more care simply because of their age, and a new generation of veterans coming out of Afghanistan and Iraq, many of whom are sustaining neurological injuries such as traumatic brain injury or post-traumatic stress disorder. This other stream of veterans is flooding into our system, and we have to care for all of these veterans. That is why this legislation is particularly timely and particularly important.

All of the challenges to the Department of Veterans Affairs are enormous. The conference report before the Senate today addresses those challenges. With this funding, we are providing the resources for the Department to meet the needs of both aging veterans from yesterday's wars and emerging veterans from today's conflict.

The conference report also includes critically needed funding for military construction. It provides a total of \$21.5 billion for military construction and an \$8.4 billion increase over last year's funding level, with most of the increase directed toward implementing the 2005 Base Realignment and Closure Program.

I am particularly pleased that the conference report includes \$1.1 billion for the Nation's Guard and Reserve forces—a 34.5-percent increase over the President's budget request. The wars in Iraq and Afghanistan have placed an unprecedented demand on the Nation's Guard and Reserve Forces. Yet the President's budget slashed construction funding for several of the Guard and Reserve components. This conference report corrects that inequity. For example, it increases funding for the Army National Guard 25 percent over the President's budget request, and for the Air Guard, the conference report more than triples the President's budget request.

Military construction may not have the glamour of the Defense Department's sophisticated weapons and other programs, but it is, nevertheless, the bedrock of the Nation's military. Our troops must have sufficient funding to provide barracks, facilities for training and maintaining their equipment, and adequate housing for their families. Without the resources provided in this legislation, these crucial facilities could not be constructed. This legislation provides funding for an

impressive array of military construction projects, the vast majority of which were requested by the President. All of the major construction projects added to the President's budget by the Senate have been fully vetted, are included in the authorization bill, and are encompassed within the service's Future Years Defense Plan.

Some have complained that the Military Construction and Veterans Affairs conference report should not be coupled with the Labor and Health and Human Services conference report. I will have more to say about that later, but I would like to make the point now that these two bills complement each other in many respects, and it makes perfectly good sense to link them together.

There are more than a few crossover items between the Military Construction and Veterans Affairs appropriations bill and the Labor and Health and Human Services appropriations bill. These include, to name a few, the Labor Department's Veterans Employment and Training Program, which includes the Homeless Veterans Reintegration Program; the Department of Education's Impact Aid Program, which assists school districts whose student population is swelled by military dependents; and the Traumatic Brain Injury Program directed by the Department of Health and Human Services and the Centers for Disease Control. There are numerous programs that provide benefits to veterans and their families that are included in the Health and Human Services program. Veterans are not simply veterans. They are members of communities. They have children. They have spouses. They require the services that are included not only in the Veterans' Administration bill but particularly their families in other legislation and other appropriations included in the Health and Human Services bill.

Something else, too, I think is important to stress, and I will do that in greater detail, these veterans as young men and women committed themselves to this country, not because they anticipated collecting veterans' benefits but because they wanted to make a difference. They wanted to ensure that—mercifully and hopefully—the next generation of Americans wouldn't have to go into combat, but beyond that, that all Americans would have a chance. It was not about ensuring elaborate tax loopholes or sophisticated financial transactions; they were fighting—and, sadly, being injured and too many dying—to give people a chance in this country, an opportunity to go to school, for children to get immunizations, and for bright, talented young people to go to college. That is why I think it is also essential that these two bills are being considered together, because if we provide for our veterans, they have earned it—and we should and we must and we will—but if we neglect the rest of the country, have we truly fulfilled and measured up

to what they served and sacrificed for? I don't think so.

The Senate has before it a comprehensive and vitally important conference report for funding both Departments, both areas—the Department of Labor and Health and Human Services, the Education Department, and Military Construction and Veterans Affairs. We have the opportunity—I would argue, the obligation—to send a signal to the President of this country and to the Nation that we are not willing to play favorites among appropriations bills. Funding for health care for our veterans is clearly a priority, but it does not trump our commitment to fund health care services for all Americans or education programs or job training for those who need it, including veterans who participate in many of the Department of Labor programs.

I urge my colleagues to support this conference report in its entirety and send it to the President today.

Mr. President, I yield the floor and reserve the remainder of whatever time I may have.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise as the ranking member of the Subcommittee on Military Construction and Veterans Affairs, and I appreciate the opportunity to speak on the conference report. I am following my chairman of his subcommittee. I hope very much that we will be able to take up this bill, which is our subcommittee, Military Construction and Veterans Affairs, separately, as everyone, I believe, knows in their heart is the right thing to do.

This bill is a bill that has been agreed to. We have worked on a bipartisan basis. We very quickly came to a conclusion in the conference on the Military Construction and Veterans' Administration bill. In fact, the President said right out that he would sign the bill, even though it is almost \$4 billion more than he had requested, because he understands the urgency of both bills—Veterans' Administration and the Military Construction—and he knows that it is important to do it right away. So he said right up front that he would sign our bill. But he also said right up front that he would not sign the Labor and Health and Human Services bill. So there would be no reason—no common sense or substantive reason—to combine these two bills.

It is incomprehensible to me that the leadership in the House decided to do this. In fact, they also put the Defense appropriations bill as a part of the Labor and Health and Human Services bill, but the Democratic chairman of the Defense bill agreed with the Republican ranking member, and they were able to take the Defense bill out.

For the very same reason, we should be taking the Veterans-Military Construction bill out from under the bill the President has said he will veto. The President will sign the Defense bill and the Military Construction-Veterans

bill. Why not have this Congress come together and accomplish something? Two major parts of our Government—it happens that it is the two parts that fund our warriors who are in the field, in harm's way right now—those could be signed right away. Why not do it? I hope the Congress will come to its senses and move in a bipartisan way, swiftly, to do this very thing.

Let me talk about the bills themselves. Military construction: With the impending return of troops resulting from the current overseas rebasing effort through BRAC and the global war on terror, our service men and women are in a time of great transformation. The military construction section of our bill provides \$21 billion for construction projects to support these moves and bring our troops home. I cannot emphasize enough that we must stay on schedule. It is important that the military services receive the facilities they need to bring our troops home, where they have better training facilities, a better quality of life for themselves and their families. From operational building to many childcare centers, we have necessary facilities in the bill to do that. Servicemembers, families, and local communities across our country are counting on us.

Now, Congress set a deadline of 2011 for BRAC to be implemented. Yet we see Congress is dragging its feet in the funding requirements to implement the BRAC. We have given the Department their mandate. We must follow through with the money needed. Many of us have visited bases in Europe, Korea, and throughout the world. We know there are training constraints in many of those bases; that our service men and women are not able to stay in training. Sometimes it is a constraint in airspace. Sometimes it is an environmental problem. Sometimes it is a constraint in ground space and artillery space, so that we can be fully trained when we go into harm's way.

The reason the Department of Defense made the announcement after our Congress passed the overseas basing commission amendment to the Defense authorization bill—the reason the Department of Defense announced that 70,000 troops would be brought home from Germany and Korea is because they agreed that the training constraints would make it impossible for us to keep our troops fully trained for the combat into which they will be going. So it is important that we fund this, that we do it on a timely basis, and that we move swiftly on the military construction part of the bill.

The Department of Veterans Affairs is the other part of this unit. I know there is a concern over total discretionary spending in all of the appropriations bills. But the President has said he will sign this bill. With the money appropriated, the Department of Veterans Affairs will be able to address the needs of over 7 million veterans who count on us to provide the funds necessary for medical care, med-

ical facilities, research, extended care facilities, and even cemeteries. The appropriations increases in the bill are in areas I support.

We will always do what is necessary to take care of our veterans and their health care needs. The research of the Veterans' Administration into prosthetics, severe trauma, and traumatic brain injury is cutting edge. Increasing resources in these programs is a good investment for our Nation's veterans and our Nation's future. We are asking the VA to expand research in several areas, including post-traumatic stress syndrome, gulf war illness, prosthetics, and geriatric care. These are the types of injuries the warriors of today are sustaining. These are the warriors in the war on terror. These are the injuries we should be looking for the very best ways to treat, and also the way to rehabilitate our injured warriors with better prostheses, better artificial arms and legs, so they can have a more normal life because they have given so much for our country.

I think every Member of Congress shares the desire to fairly compensate, medically treat, and honor our veterans. The Veterans' Administration provides the health care to address the illnesses or disabilities, physical or mental, including those illnesses that might manifest themselves decades after military service, which is something we also see happening. We always have, and always will, take care of our Nation's veterans. Every veteran should know we are committed to nothing less.

Mr. President, this Congress has shown its resolve time and again to care for our men and women in uniform, as well as the more than 7 million veterans. We owe them our gratitude. We will do our part to take care of them. I ask that we work together to put our servicemembers and veterans first, to do what is best for them and our country.

Mr. President, I will make the point of order at the appropriate time to separate these two distinct bills. The Veterans-Military Construction bill and the Labor-Health and Human Services bill are separate bills. We have separate committees, and we have dealt with the two committees separately. There is no reason to put them together, particularly when the President has said he will sign the Veterans-Military Construction bill, and he will veto the Labor-Health and Human Services bill.

Why do we delay and put our military service men and women and their families and our veterans in a situation where they are in limbo? Why not pass the bill separately because the bill is ready to go? We have worked in a bipartisan way to assure that it is.

There is no common sense nor substantive reason to put these bills together. So I will leave it up to others to determine why the leadership in the House would have lumped these bills together. I will also say that I respect

the Defense Appropriations Committee chairman and ranking member for coming together on a bipartisan basis to take their bill out because that is exactly what should have happened. I hope we will do the same thing for our military veterans and our service men and women who rely on the construction projects and military construction to provide the housing, training facilities, childcare centers, and health care centers, which are necessary for them and their families to have the quality care they so richly deserve for what they are doing for our country right now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that it be in order to make the rule XXVIII point of order at this time and for Senator HARKIN to make the motion to waive, but that all debate time under the previous order be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I raise a point of order under Senate rule XXVIII, paragraph 3, that the text of the Military Construction, Veterans Affairs, and related agencies bill, H.R. 2642, which constitutes division B of the conference report for H.R. 3043, is new matter as it was not contained in either the House- or Senate-passed bills.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there controlled time now? I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The majority leader controls 54 minutes. The Senator from Massachusetts will be using that time.

Mr. KENNEDY. I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first, I wish to express my strong appreciation to the Senator from Iowa, Mr. HARKIN, and the Senator from Pennsylvania, Mr. SPECTER, for the work they have done on the Labor-HHS conference report. This appropriations bill is of enormous importance. Our national security gets attention, but so much of what makes a difference in the strength of our Nation is our investment in our people. When we talk about investment in our people, we are talking about education, we are talking about health care, we are talking



about job safety, job training programs which have been tested and tried, examined and evaluated. The Appropriations Committee has done just a splendid job in allocating resources to these priorities. They have done it in a bipartisan way.

Now as we see this whole process on appropriations moving forward, we know this will ultimately be decided this evening with a Senate vote. It will then go over to the House of Representatives and down to the White House to the President where he has indicated he is going to veto this legislation.

I wish to take a few minutes to go over this legislation so the American people and our colleagues, as we are looking at a variety of proposals that are coming at us at a furious pace in the Senate, have a very clear understanding and awareness as to exactly what this legislation is about and its importance to American families. This is family legislation, it is children's legislation, it is health care legislation. It is about our ability to compete in the future.

We hear much talk about the challenges we are facing globally, and we are facing serious challenges globally. This legislation deals with making sure American workers are going to have the kinds of skills which are necessary so they are able to compete.

Global competition is going to be a knowledge-based competition. That is why it is so important we invest in education. That is why it is so important we have a healthy population, and why it is so important we have individuals who have the skills so we can have a knowledge-based economy and be able to compete internationally. This legislation is the heart and soul of that effort in the Congress of the United States.

Again, I thank old friends and individuals who, for a long period of time, have been strongly committed to these issues on education, health, and training.

When we look over these particular items, it is important to know, since we are talking about priorities, a billion dollars—and a billion dollars is real money, that is true—we are talking about a total budget of over \$2.8 trillion. The amounts we are talking about certainly are very modest, indeed, particularly when one looks at the total scope of our budget. And particularly when one looks at what we are spending in Iraq, the amounts we are spending in this bill are basically trivial. That is why it is so discouraging, I find, that the President of the United States believes we have to effectively pay for the war in Iraq by vetoing programs that make a difference in the quality of education, health care, and training of American workers.

Let's look at these items in some detail. How can we take this President seriously when he says he will leave no child behind, when he vetoes funding for education? How can we take the

President seriously when he says he is for children's health, when he vetoes funding for children's health care? How can we take this President seriously when he announces a new food safety initiative such as he did yesterday and says he will veto funding for food safety? The President may have the wrong priorities, but in Congress, we have worked together, Democrats and Republicans, to pass responsible new investments in our schools, the health care systems, and our jobs.

Here is what is at stake if the President vetoes this important legislation, and the American people deserve to know which of their priorities will fall to the cutting room floor when he rejects this bill.

First and foremost, this bill before us today provides long overdue funding for education. Over the past few years, the White House and the Republican leadership in the Congress have neglected the urgently needed new investments for better teachers, stronger schools, and college affordability. In fact, under the Republican-controlled Congress, funding for the education of our children has actually gone down.

This chart goes back to the last time we had Democratic appropriations bills and we passed No Child Left Behind. One can see the dramatic falloff rather than an increase in commitment to children all over this country. We saw the reductions. This reflects the final results of these battles. We can see the gradual reductions in funding. The red lines are what the administration actually requested. Here is President Bush's request, a reduction of \$2.2 billion; and in 2008, a reduction of \$1.5 billion. This is the difference between a Democratic resolution and a Democratic conference report, \$3.2 billion. We are coming back in terms of increases. It provides \$3.2 billion in new funding for education compared to last year.

The core Federal education initiative for helping schoolchildren who fall behind is called the title I program. Despite all the hype from the administration about leaving no child behind, title I funding has languished since passage of that legislation. The education funding before us today changes all that. It includes the largest increase in the title I program since the No Child Left Behind Act was passed.

Again, these are the annual increases in title I, part A funding, 2003. It was going down. In 2006, it was flat, 250. And now with this proposal, there is a significant increase, \$1.85 billion, an indication of the Nation's priority of increased funding for title I.

Title I, as we all remember, goes back to 1965 when this country said we as a nation are going to make a priority the poorest children and neediest children in our society. We are going to give attention as a nation to do something about the poorest and neediest children in this country. That is what title I is all about.

We will have a chance to get into those in greater detail. We are all fa-

miliar with the challenges we are facing with school dropout and increased poverty among the neediest of children. We know money is not the answer to everything, but it is a pretty clear indication of a nation's priorities. And included in this legislation is title I funding.

Shamefully, we have seen the Pell grant stagnate as well. In the past 5 years, students and families have struggled as college costs have skyrocketed. What we have also stated as a country—there was a great debate actually going back to 1960, and was passed in 1965 in the Higher Education Act, that we as a nation say that any young person in this country who has the skill and the ability to be admitted to a college, that they will not be denied that opportunity. If they do not have financial assistance, they will have at least some assistance from a Pell grant, named after our former colleague in the Senate, Claiborne Pell. With the explosion of the cost of education, we still saw flat funding for the Pell Grant Program, and now we are seeing a gradual increase. In this particular appropriations bill, we have an increase in the Pell grant that will be effectively eliminated if this bill is vetoed.

The President should recognize that this bill finally delivers on many of the promises we made some 6 years ago. He should embrace the progress and sign the bill. Instead, the President has threatened to veto the bill and deny the help our schools so desperately need.

The President rejected this bill because it includes an increase of \$4.5 billion for education funding over what he included in his budget. He has requested \$158 billion for the war in Iraq this year—that is \$433 million today—\$158 billion for the war in Iraq. All we are talking about is a \$4.5 billion increase for education. Mr. President, \$4.5 billion for education gets a veto; \$158 billion for the war in Iraq gets his signature.

Let's look at the choices and compare the choices of American families which are reflected in the legislation before us.

This chart reflects trying to help struggling schools turn around. American families want to use these funds to help the 9,000 schools most in need of improvement, to strengthen education for all of the children in these title I schools. This represents 1 day of the war in Iraq, and the President says no.

The most important ingredient is the education of our teachers. Having good teachers, well-trained teachers, knowledgeable teachers, committed teachers who will serve in our public school system is one of the highest aspirations that we see reflected on our fellow citizens. We need to have good teachers in many of the underserved communities, and we need to provide help for those teachers. We need to give assistance to those teachers.

We have some \$3 billion for the high-quality teachers. This would hire 30,000 teachers to help reduce class size and provide high-quality induction for 100,000 new teachers. This induction is assisting and familiarizing teachers in their classroom and in their homes. It has been enormously successful in the retention of high-quality teachers, these kinds of programs being included in this legislation. It provides high-quality professional development for 200,000 more teachers. Teachers want and need to have some time for their development, and this provides that help for their professional development.

Every other industrialized nation in the world provides this kind of assistance. Teachers need this kind of support. So we are providing important assistance to them. But, oh no, the President says, no, that will be vetoed.

We have \$7 billion to help provide the high-quality early education through the Head Start Programs, which equals 16 days of failed policy in Iraq. We all know the importance of early intervention. Everyone should read "From Neurons to Neighborhoods," the great book by Jack Shonkoff, who has done such an extraordinary amount of work pulling together these three great studies from the National Institutes of Health, which shows a snapshot of the child's early development, from birth to the very earliest years, and the difference in terms of cognitive skills and also social behavior. The earlier the investment we have in these programs, the better the results are.

We are not taking the time to reflect all that, but it is so. We have demonstrated it time and time again. But that \$7 billion is going to be subject to the veto.

I wish to mention two very important areas. We are going through these areas quickly, but I wish to mention the area of health priorities. We have mentioned early education and education, but we strongly believe in the \$4.9 billion in cancer research which would fund over 6,800 grants.

We are living in the life science century, with the extraordinary progress that has been made in DNA research and sequencing of the genes. The breakthroughs we have seen are absolutely mind-boggling. Over the recent years, we have effectively doubled the NIH research and the results coming through are extraordinary. At the same time, we are now finding that instead of taking advantage of these breakthroughs, we are beginning to cut back and cut back and cut back in terms of the opportunities in the areas of cancer and cancer research.

When you talk to families across this Nation about their priorities, No. 1 in the area of health care will be in the areas of cancer research. We have 550,000 who die every year from cancer. It touches every family in America either directly or indirectly. We know the challenges we are facing now with diabetes and the challenges with obe-

sity. There is an explosion across the country in terms of diabetes.

We have \$700 million for pandemic flu, to strengthen our health defenses. We know there are a variety of different strains that have been out there, both chemical and biologicals, that could be enormously dangerous falling into the hands of the wrong groups and threatening American populations in a very significant and important way. We cannot be seeing a reduction in terms of our commitments to pandemic flu.

The Centers for Disease Control. Whenever we have a problem, look at the television news over the period of the last couple of weeks, what did we see when we had the problems over in the Far East and China? It is always the CDC that takes on the responsibility to go over and try to detect and find out what is happening in these areas. This is an enormously important health agency that has enormous capability and skill in terms of its personnel and commitment. We have all these various challenges—the increased amount of asthma that has effectively doubled over the period of the last 15 years, increasing obesity, and childhood immunizations. It is interesting there is a higher percentage of children in Iraq who are getting immunized for diseases like measles than there are in the United States of America. How do we justify that? Now we are seeing a reduction in terms of childhood immunizations.

The community health centers, which are the lifeline for some 15 million low-income Americans, we are cutting back on those at a time when we are seeing increasing numbers of Americans losing their health insurance. These are all programs that are tried, tested, evaluated and all extremely effective and programs the American people support. Immunization, the challenges of research in terms of cancer and diabetes and obesity, the challenges we are facing in those areas, the importance of investing in terms of education, all of these are extremely important.

Finally, I wish to mention worker safety and health spending, which is a fraction of the Iraq cost. One week in Iraq, \$3 billion. These are the total expenditures for protecting the \$500 million in terms of OSHA. Since the passage of OSHA, we have reduced deaths in the workplace by more than half. We have increasing complexity for OSHA, because with new techniques and new toxins being used in the workplace, there are new challenges for OSHA. We need to make sure that in the United States of America we are going to have safe workplaces as well as workplaces where individuals can be demonstrating increased productivity.

We all know the challenges that mine health safety has faced, whether it has been out in Utah or West Virginia, this past year. We have \$340 million to try to ensure safety in the mines. But that is going to be vetoed. To demonstrate

this isn't out-of-control spending, we have OSHA last year and OSHA this year, which is a 2.8-percent increase over the President's request and some 12 percent in the area of mine safety. These are basic and reasonable kinds of expressions by the Congress in areas of public concern. Nonetheless, we are hearing this administration is going to veto it.

Let me also say we have seen an administration that is, over the past years, increasing the reductions in terms of training programs under the Workforce Investment Act. The Workforce Investment Act was bipartisan legislation. Senator Kassebaum, myself, and others were involved in the development and shaping of that, coordinating a variety of different job training programs. We had strong bipartisan support, and we had support from the workers and from the business community. It has made an important difference. In my State of Massachusetts, at the end of last year, we had over 92,000 jobs that are out there waiting for people to be able to take them. Yet we had more than 178,000 people who are unemployed. You would think it would make some sense to get the skills to those individuals who can work, who want to work, so they can fill those jobs, become taxpayers and productive members of our society. That is what we are talking about in terms of workforce investment. That is what happens when we have good programs such as this.

Nonetheless, we are finding out that even though this legislation restores some \$500 million to the cuts we have had these last several years, this President is now committed toward vetoing.

So these are some of the items that are front and center in terms of this appropriations bill. As I mentioned at the outset, this is an extremely important piece of legislation. It is basically about the sole well-being of our fellow citizens. It is about educating our young, ensuring the health and well-being of our fellow citizens, about ensuring we are going to be able to have the kind of skills necessary so we can have a productive, expanding economy to be able to offer the hope and opportunity that good jobs, with good wages and good benefits, means to working families. That is what this legislation is about.

The numbers that have been included represent the best judgment of Democrats and Republicans together. Compared to where we are in terms of the expenditures we have over in Iraq, all Americans, I believe, say: Why aren't we investing in Americans? Why aren't we investing in our children, in our families, in education, in health care, in training? Why aren't we doing the things which are going to make this Nation stronger in the future? Why are we going to face a veto by this President on these important priorities?

Make no mistake, it is a major mistake for this President to do so. I hope he will reconsider his position.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the quorum call the time in the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I support the motion to waive rule XXVIII. If the motion to waive is defeated, the Military Construction-Veterans Affairs bill will be stricken from this conference report.

Frankly, I am a little bit tired of the political games the administration plays with the health care of our veterans. It is the President's veto threats that necessitated the combining of the Labor, HHS, and Education bill and the Military Construction-Veterans Affairs bill. The President has threatened to veto 10 of the 12 appropriations bills—10. This President is insisting that Congress strip \$22 billion for homeland security, for educating our children, for NIH, and for fighting violent crime from the 12 bills. President Bush's budget request simply did not meet the needs of a veterans population that is suffering from the pressures of war.

The number of disabled veterans, the type of injuries, and the mental health services needs produced by this horrendous Iraq war are well beyond the President's shortsighted budget request. Congress, on a bipartisan basis, recognized that the President's request for veterans programs was out of touch with reality, and we increased funding above that inadequate request by \$3.7 billion. The President's own bipartisan study found that the veterans health care system is in need of dramatic reform. Yet President Bush, our President, has not requested one thin dime, not one thin additional dime for veterans health care to implement much-needed reforms. When faced with the dire political consequences of this bad budget decision, the President, our President, President Bush, did a political dance and finally agreed to the additional spending approved by Congress

for our veterans. But—the conjunction “but”—the President insisted that Congress find \$3.7 billion of savings to pay for it in other bills.

Did the President—our President—cut his request for a 12-percent increase in foreign aid to pay for it? No.

Did the President, our President—your President, my President—did the President reduce his—the President's—request for a 10-percent increase for the Department of Defense to pay for it? Did he? No.

Did President Bush identify \$3.7 billion of savings from his meager and inadequate budget for education or the National Institutes of Health to pay for it? No.

President Bush, our President, brandishes his veto pen and refuses to participate in any attempt to correct his failed budget. Meanwhile, veterans health care, our children's education, vital health research, and other programs important to our citizens are at risk. As long as the President—our President, President Bush—as long as the President links veterans funding to his demand for cuts in other vital domestic programs, Congress has no choice—none—but to bundle these bills together.

His plan, the President's plan, to veto the Labor-HHS and Education bill, and sign the Military Construction-VA bill would force Congress to make dramatic reductions in such areas as education funding, funding for the National Institutes of Health, and funding for low-income home energy assistance.

Those decisions would be very bad decisions, and every Member of the Senate knows it or ought to know it. The Labor-HHS and Education bill passed the Senate by a vote of 75 to 19. The Military Construction-Veterans Affairs bill passed the Senate by a vote of 92 to 1.

Bundling these bills is not an effort to jam the Senate with controversial legislation. These bills were fully debated. Any Senator could have come to the floor to offer amendments to reduce funding in the bill. Any Senator who votes “no” on the motion to waive has a responsibility to come down to the floor and show down on the \$3.7 billion of cuts that Senator would propose for such programs.

This bill could be on the President's desk tomorrow. Any Senator who votes “no” on the motion to waive rule XXVIII has a responsibility to explain to veterans why that Senator refused to tell the President of the United States that he needs to sign this legislation. I urge a “yea” vote on the motion to waive rule XXVIII.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud that this afternoon we are considering a very important bill that will fund not only the important investments in health, education, and

the workforce but also historic increases in spending for our veterans and for their families.

Chairman HARKIN and Ranking Member SPECTER have put together a great Labor-HHS bill. I am very proud to support it. But this afternoon I want to take a little bit of time to speak directly to the importance of the Military Construction-Veterans Affairs portion of this package, because today it is in grave danger of being blocked by bipartisan gamesmanship.

Our servicemembers in Iraq and Afghanistan and from so many conflicts before have done absolutely everything we have asked of them. They have answered the President's call to war with the honor and sense of duty we have come to expect from our Nation's bravest men and women. They have performed under enormous pressure in the middle of a civil war. They have left loved ones behind who count on them. They continue to put their own lives on the line every single day.

Now, unfortunately here at home, this administration has not been committed to care for them when they come home. From poor conditions at VA facilities around the country to a lack of PTSD counselors, to a benefits claims backlog that keeps our veterans waiting for months and sometimes amazingly even years, this administration has failed to account for our Nation's veterans as a part of the cost of this war. It is unacceptable that servicemembers who return from fighting overseas are being forced to fight their own Government for the care and the services we have promised them.

Democrats today on this floor are working to reverse the Bush administration's failure to care for those heroes. We have produced a funding bill for our veterans that includes \$3.6 billion more than the President asked. After years of Bush Republicans cutting corners on our veterans, we have, with this bill, offered an honest assessment of what these men and women need.

This bill takes into account the extra strains that have been put on our VA system from our simultaneous wars and the new battlefield realities that are present today. It includes nearly all of the “independent budget,” a recommendation that has been compiled by our veteran service organizations. It makes investments that will improve health care and expand mental health services and allow construction for vitally needed new facilities.

It is going to mean more qualified health care workers, better prosthetics, and more accessible veterans facilities. It is going to ensure our veterans get their earned benefits, see improved conditions at VA facilities, and get better treatment for PTSD, traumatic brain injury, and catastrophic injury.

Most of all, though, this bill means that after years of neglect, our Government, the United States of America, will again honor the sacrifice of our veterans with the care they deserve.

We are also making sure our troops are ready and that they receive the training they need. That is why I was so pleased about the military construction investment this bill makes across the country and especially in my home State. My home State of Washington's military facilities play an important role in our nation's security, from Fort Lewis in Tacoma, which is training the Stryker brigades—they are at the center of the fight in Iraq—to Fairchild Air Force Base in Spokane, which plays a major role in our air defense; to Naval Air Station Whidbey Island, which patrols our Pacific shores.

This bill ensures they are going to get funding they need, like all of our military facilities nationwide. In Washington State, it means more than \$635 million in improvement for Washington's military installations.

One of the best things about this bill is it won such huge bipartisan support when it passed the Senate on a vote of 92 to 1—92 to 1 it passed the Senate. It does not get much better than that for a bipartisan, strongly supported piece of legislation.

Unfortunately, today Republicans seem to be willing to jeopardize all the good, critical, important matters that have been put into this bill which they said they supported, in order to play a procedural game that is designed to stop this important bill in its tracks. I think that is a shame.

Now they are going to say, and the President will echo them, that the bill before the Senate is too expensive. They will say we should have not joined the spending for veterans with spending for health care, education, and job training.

In the same breath, they are going to say this money for veterans is critically important and should be sent to the President before Sunday. Well, I agree with my 91 colleagues who supported this bill the first time we voted on it, and I agree we need to get it signed into law as soon as possible, and we can do that very easily by voting for it today, along with this package. It will go to the President by dinner-time.

Most importantly, veterans would go to sleep tonight knowing that the vital projects in this bill are on the way. But I fear that is not going to happen. Instead, now we have Republicans who are going to make a cynical political move and block this money for our veterans because we have combined it with the Labor, Health and Education spending bill.

The President objects, apparently, to combining those bills. So I guess the Republicans are going to put their allegiances behind President Bush ahead of our veterans and say "no" to a bill that almost all of those Senators supported a few short weeks ago. I think that is wrong.

The Labor, Health and Education bill is a good one. It won the support of 75 Senators a few weeks ago here on the Senate floor. We are joining the two

because both make critical investments in a broad range of urgent priorities. We need to stop playing political games with both of these bills and we need the President to sign them now. The Republicans and the President are complaining about this move today. But it is the American people and our veterans and their families, in particular, who will be hurt if this political move is made today to separate these bills. They will pay the price, those veterans and their families, for this roadblock.

Our goal is simple. We want to make up for something President Bush has failed to do while he has tried to build up our military. We want to be sure our veterans are getting the care they need.

As I told my friends before, George Washington was the one who famously observed that:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country.

Today we want to reverse President Bush's failure and reaffirm this commitment. This bill keeps our military strong by honoring the sacrifices of our heroes and meeting their needs. When those men and women put on a uniform, they earn the right to a government that cares for them on their return. When we approve this bill, we will assure them they will get finally the care they need.

Veterans Day is just a few days away. I am confident every Senator on this floor will head home to acknowledge the veterans in their State, and rightfully tell them "thank you" for the tremendous service they have given to our country. I can think of no better time than this for us to forget the politics and do something positive for our veterans, for their families, and for our country.

I have listened to the other side and the President tell us time and again: We need to get the bills to the President. We need to get the appropriations bills to the President. That is what we are trying to do today, to get two of these critical bills to the President in a timely manner. I urge our colleagues to think twice about a procedural move that will not send to the President the critical funding we need for our veterans and our military facilities across this country. With one vote we can send those to the President, and by dinner tonight know we are doing our job for the country.

I yield the floor.

THE PRESIDING OFFICER (Mr. SANDERS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have mixed feelings about the conference report now before the Senate. The chairman and ranking member of the Labor, Health and Human Services Subcommittee and the Military Construction-Veterans Affairs Subcommittee

have done excellent work in crafting their respective bills. These bills represent a reasonable blending of House and Senate priorities. They support critical national priorities in medical research, veterans' care, K-12 education, and military infrastructure. But the fact these two bills have been joined into a single conference report is unfortunate. The President has stated unequivocally he will veto the Labor-Health and Human Services bill in its current form.

By attaching the Military Construction-Veterans Affairs bill, the Democratic leadership has done nothing to change his mind. The bill will still be vetoed, and the veto will probably be sustained. Through the duration of that process, we will needlessly delay the availability of critical funding for veterans' care, and for the facilities necessary to support our Armed Forces.

There is no procedural reason that the Military Construction-Veterans Affairs conference committee could not meet this evening to approve the conference agreement under their jurisdiction. The House and Senate could then approve that conference report and get it to the President's desk for signature by Veterans Day.

That would be the right thing to do. The Labor-Health and Human Services bill could also be sent to the President, and both the Congress and the President would have been allowed to argue their respective fiscal priorities. Instead, we are being compelled to go through this procedural dance that adds nothing to the debate over fiscal policy and serves only to compound Congress's abysmal failure to get appropriations bills to the President.

I am acutely aware of past failures to enact appropriations bills in a timely fashion. I was chairman of that committee, and I remember how upset and frustrated I was when the Republican leadership wouldn't call up the bills. I couldn't believe it, an abdication of very important responsibilities of the Congress, a fundamental right and responsibility of the Congress to set the appropriations priorities. No one was more frustrated with the Senate's failure to consider these bills last year. I was particularly exasperated by our inability to get what appeared to be a noncontroversial Military Construction-Veterans Affairs bill to conference. That was as inexcusable then as it is now. But past failures don't make the current failure any more acceptable to me. The President has a right to veto bills. There is no way around that. This President has strong opinions about his responsibility to be involved in holding down Federal spending, keeping the budget under control. Why are we compounding our failure to present him appropriations bills by wrapping into Labor-Health and Human Services another bill that we all agree is important and that the President has said he will sign?

This procedure does nothing to change the substance of the debate,

and it only serves to further delay the appropriations process. There may come a point when vetoes of appropriations bills require us to go back to the drawing board and rewrite some of the bills at lower spending levels. There may also come a point in that process where I believe the funding levels advocated by the President are not appropriate or sustainable in certain cases. We have the right to disagree. Somewhere along the way, I remain hopeful we will reach an accommodation that will allow for enactment of individual appropriations bills at an aggregate funding level that is lower than the amount contemplated in the budget resolution. But to get to that point, we have to send the President some appropriations bills.

It is November 7. We have failed to send a single one to his desk. I hope the Senate will support the Hutchison motion so we can put two bills on the President's desk in short order and start to demonstrate to the American people that we are responsible, that we are acting on one of our most fundamental responsibilities, the passage of appropriations bills for the operation of the Federal Government.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I also ask unanimous consent that I be given 10 minutes from the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, we are here today at this juncture to talk about the point of order raised against combining the MILCON bill and the Health and Human Services appropriations bill. There is a large point I will try to make, which is that these bills are complementary in many real ways. Veterans, for example, do not live alone with other veterans. They have families who require education, Pell grants, Head Start funds, and all of that is within the purview of the Health and Human Services appropriations bill. Also, they are individuals, our veterans, who have earned their rights. But I don't believe they engaged in battles for this country and wore the uniform of this country to get a pension or to get a health benefit; they did it for a broader, much larger, much more noble purpose, and that was to build a decent and just America. Part of that is making sure children have immunizations, making sure children can go to good schools and disadvantaged children can enjoy health through the title I program; making sure talented young people can go to college with a Pell grant or a Stafford loan; the CDC can protect all of us

from disease, and the NIH can use their resources to research breakthroughs in medicine and health care to benefit all of us. It is that vision of a decent, humane, and just America that ultimately compelled millions of Americans to wear the uniform of this country and defend it.

So the notion that we can arbitrarily or not arbitrarily separate these bills, I don't think it accords with one of the major functions of all of us as citizens, as soldiers, as Senators—to serve the greater good—and we are doing that, I think, with these two appropriations bills.

There is another point I think which is interesting to me. These bills have passed the Senate overwhelmingly. They would, I think, if they were separated, pass overwhelmingly. But it seems to me we are now in a situation where we can't combine them because the President has said: Don't put them together because I will sign one and veto the other, which presents my colleagues in the Senate a very interesting situation: After voting for the underlying bills overwhelmingly, do they support the President's veto? I hope we can avoid that.

I think we should send these bills together to the President today. We can do that. We can expedite the funding of the VA at record levels. We can fulfill our obligations to citizens across this country in many different ways by supporting this procedural approach of combining the bills, voting for the bills, and sending them to the President.

But the premise I think is we will separate them if this point of order is sustained, and then we will see the VA bill probably signed but then have to come back and negotiate a way for a bill we all support—the Health and Human Services bill. I don't think that is the right approach. The fastest way to get this legislation, with respect to veterans, to the President is to vote against this point of order, send it to the President, he can sign it, and next week we can celebrate Veterans Day with the largest veterans appropriations bill that we have ever passed. I think that is the route we should pursue. I don't think we should allow the President to dictate the terms.

One of the interesting things about the President's approach—particularly as we have talked time and time again about Iraq—is that: Well, the Congress can't tell me how to run policy; all they can do is fund or not fund the war. Well, here we are making a very bold, very assertive statement about funding the Veterans' administration, Military Construction, and Health and Human Services. But he says: Well, you can't do that. You can't tell me that either because I will veto one and I would not accept a package, even though it is a package of funding. Again, I think we have to—and we should—assert our will, particularly when it comes to the underlying legislation that passed this body with extraordinary—extraor-

dinary margins. This would be, I think, a different debate if we had taken a bill that was popular and combined it with a bill that could not pass this body, or barely pass this body. Both of these bills have commanded I think strong support, and they should go forward and be signed by the President.

But there is another issue here, too, and it goes back to the initial point I made about there is a complementarity between these two bills, and it is a very direct and, I believe, powerful one. We have, for example, within the Health and Human Services bill, \$228 million for the Veterans Employment and Training Program. It is in the Department of Labor. But if you are a veteran and you are looking for the training you need and employment opportunities because you have served your country honorably and well—and if we don't pass that Health and Human Services bill, that money will not be there. We have in the Department of Labor \$23.6 million for the Homeless Veterans Reintegration Program. In fact, I dare say, there is too little attention being paid to homeless veterans. There was a report today that one in four homeless individuals are veterans of the military. That is a shocking and shameful statistic for this country. We have in this bill one of several programs—very small, but they help veterans. That is in the labor portion of the bill; that is not in the veterans' portion of the bill. Funding for the Department of Education, \$1.26 billion to impact aid payments. Those payments are targeted to school systems that serve military installations, large populations not only of veterans, but of Active-Duty soldiers, sailors, airmen and marines. So we are saying: Great, we are going to give the veterans what they deserve, but for those veterans and Active-Duty personnel, we can't vote in this bill for \$1.26 billion in impact aid. We can't provide their children the kind of school systems in adjoining neighborhoods to military posts that we think is adequate—not only adequate but we hope excellent.

So these bills are not distinguished in some respects. They serve the veteran population and the military population, and to suggest they are totally opposed and diametric is, I think, wrong.

In the area of health care funding, we went a long way in the Veterans' Administration bill to put significant resources into the veterans health care program.

In fact, for the first time, it exceeds the independent budget which veterans organizations present to us each year, when it comes to veterans health care, the largest increase in veterans health care, the largest appropriation we have ever given.

One of the areas we asked them to look at is traumatic brain injury, post-traumatic stress. We understand now because of the nature of combat and conflict in Afghanistan and Iraq, there

are thousands of young men and women coming back with traumatic brain injuries. They did surveys of returning brigades of some of our Army units and estimated that perhaps 20 percent of the troops might have some indication of traumatic brain injury—slight to moderate. Over time, this is an increasingly more difficult problem for the VA system. Of course, we have asked them to treat these individuals. But in the Health Resources and Service Administration—in the other appropriations bill, we have \$9.5 million for the traumatic brain injury program.

We have billions of dollars for the National Institutes of Health, for their research, which will be extremely important if we want to understand the phenomenon of traumatic brain injury. Of course, if we don't move that bill today, this bill, along with the Veterans' Administration bill, at least temporarily we lose these funds.

So I think there is a synergy between the two bills. I think it goes back to not just the complementary programs; it goes back to what our veterans and our soldiers today are serving for—not self-aggrandizement, not a pension, or to get the benefits they have earned alone but for something bigger. Those men and women are not out there putting time in so when they get to be 40 or have 20-plus years of military service they get the pension. They are risking their lives so this country lives up to its highest ideals. If we cannot provide and pass a robust appropriations bill and get it signed by the President on Health and Human Services, we are not living up to our obligations and our ideals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak against the waiver of the point of order—the waiver being the motion from the Senator from Iowa. I agree in part and disagree in part with the acting chairman of the Military Construction-Veterans Affairs Subcommittee.

Mr. President, two bills were passed by the Senate—one for Labor-Health and Human Services and one for Military Construction-Veterans Affairs. They are two separate bills because they are very different in nature. They cover very different areas. There was nothing in the bills that was the same. They are separate subjects, and they should be passed in the regular order.

I have heard criticism on the Senate floor and also in the conference committee of the President of the United States, as if he had told Congress not to combine these bills. The President never said any such thing. The President did exactly what I would expect a President to do in his relations with Congress and its understanding of the role of our two different branches of government—executive and legislative. The fact is, Congress chose to take two separate bills and put them together.

All the President did was exactly what he should have done. He advised Congress that he was going to veto the Labor-Health and Human Services bill because it was nearly \$12 billion over his budget request. When Congress said: OK, Mr. President, we are going to combine the bill that you have notified us you are going to veto with a bill that you have notified us you will sign, which is the Military Construction-Veterans Affairs bill, the President merely said: I have said I am going to veto the Labor-Health and Human Services bill, and I am putting Congress on notice. Congress can make the decision about how it wants to send the bills forward. The President can inform Congress of what he is going to do, which I think, frankly, is an advantage in that he has told us. The worst thing would be if he didn't tell us, if he just surprised us after we had worked in good faith on these bills. But he is not surprising us. He is telling us this is what he is going to do, and if we decide to play a game by putting two bills together, when he has told us he is going to veto one of them, the consequence will be that both bills are vetoed instead of just one.

Let's not put the President in this debate. The President is doing exactly what he should do. The Congress should do what is right. Congress knows the funding for military construction and the veterans is crucial, that there are new things in this bill that are not currently able to be funded. And the sooner we get this bill to the President, the sooner he can sign it, and we can provide these new priorities.

Where I agree with my distinguished acting chairman of the committee is that the bill is a good bill. We have come together in a very bipartisan way. We have worked out our differences, and we didn't have differences on the Senate side. We worked together on a very solid bill. We worked out our differences with the House on a bipartisan basis. The President agreed with us that it is a good bill. We all recognize that some of the best parts of the bill would be lost if there were another continuing resolution for Fiscal Year 2008.

Delaying base-closing commission implementation: As a Congress, we have required the Department of Defense to complete the implementation of the Base Realignment and Closure Commission report by 2011. Every day, every week, every month that we delay the BRAC funding is going to delay that implementation process. It is very important that we give our troops who are going to be coming back from bases in Germany and Korea the housing, the health care facilities, and the childcare centers that will provide a quality of life for our military personnel and their families. We owe them that, Mr. President.

We could send this bill to the President before the end of the week and make sure they have that funding. It is

our responsibility to do it. It is our responsibility to do it in the regular order, when the regular order will give us a Presidential signature. It will also provide new research, new treatments, and added facilities for our veterans. We know our veterans are suffering from different kinds of injuries than in previous wars. We know we are saving more lives, but a higher percentage of our wounded veterans are returning home with burns, loss of limbs, traumatic brain injuries, and mental health problems. We know that. So we provide for that in this bill. We have done it in a bipartisan way. We have provided more treatment, more facilities, more emphasis, and more research on post-traumatic stress syndrome, traumatic brain injuries, better prosthetics, artificial legs and arms that are lost by the bombs being used by the insurgents. All of that is in this bill, which could go through on its own in the regular order and be signed by the President.

One of the things we have heard from our veterans month after month after month is how long it is taking them to get through the system from when they leave military service to begin receiving their benefits and even to enter into the VA health care system. It is ridiculous for them to wait months and months when we should have a seamless transition. What our bill provides is more employees to cut that backlog and give these new veterans who are coming into the system the opportunity to have a seamless transition. That is in the bill.

If we pass a CR, this year's priorities would not be in it. The bill contains funds to implement the recommendations of the Dole-Shalala Commission. The Dole-Shalala Commission is the Commission that was appointed by the President to look at the best way to improve the care and service we provide to Active Duty Military and veterans who have returned from battle. They made recommendations. They did a thorough study. These are two great Americans: Donna Shalala and Robert Dole. They came up with recommendations, and we begin to fund them in this bill.

Mr. President, why wouldn't we pass this bill as a stand-alone measure when we know it is going to be vetoed if it is combined with the Labor-Health and Human Services bill? It does not pass the smell test to combine these bills when there is no reason to. In the original House action, they combined Health and Human Services with Defense and Military Construction and Veterans. The Defense bill was separated out because the chairman and the ranking member agreed that it had no business under Labor-Health and Human Services. That bill, by agreement, was separated out. We didn't get that agreement on Military Construction. So now we are faced with having a point of order, under the newly passed rule by the Democratic majority, that says you cannot put something in a conference report that has not passed either House in that bill.



So the point of order is going to succeed. We all know it is going to succeed. Why do we play this game? It is a game that is going to affect veterans and military personnel and their quality of life. There is no reason, there is no substantive reason, and there is no logical reason.

I urge my colleagues, let's vote unanimously to separate these bills, send the MILCON and Veterans bill to the House and ask them to quickly appoint conferees. The bill is agreed to. We have hashed out the differences. We can still get this bill to the President before Veterans Day. What a great accomplishment for this Congress, what a great way to say the President and the Congress are in agreement on something. I think the American people are looking for that. We see that the ratings of Congress and the President are at an all-time low. Why not give the American people some confidence that we can accomplish something together for the good of the people? It is very easy, very clear that this is a bill the President says he will sign. Let's send it to him. There can be no logical reason not to.

I urge my colleagues to come together on a bipartisan basis and stop the game playing, especially with our veterans and our military families who are depending upon the new initiatives in this bill to be done, and we have the power to do it. Let's do our jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business, with the time coming from the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEMOCRACY IN PAKISTAN

Mr. HARKIN. Mr. President, I have come to the floor to strongly condemn General Musharraf's declaration of martial law in Pakistan, his decision to suspend that country's constitution, and his brutal suppression of freedom and democracy and human rights.

Since Saturday, General Musharraf of Pakistan has ordered the police and military to arrest thousands of lawyers, human rights activists, and political workers. At this very moment, as we dither in Washington, Musharraf's thugs—thugs—are cracking down on democracy advocates across that country. Lawyers in coats and ties are being viciously beaten in the streets and thrown into jail. One out of four lawyers in Pakistan has been arrested since Saturday—one out of every four. In Lahore, police are being given cash bonuses for beating and arresting law-

yers. Any of us who have watched television have seen the scenes of lawyers being picked up by plainclothes policemen, pushed into vans, and the plainclothes thugs beating them on the heads and backs as they pushed them into vans. This is especially sad and ironic inasmuch as the founder of Pakistan, the much revered Muhammad Ali Jinnah, was himself a lawyer trained at Lincoln's Inn in London.

Since 9/11, the United States has given General Musharraf and Pakistan more than \$10 billion in aid, supposedly to crack down on the terrorists, the Taliban, and al-Qaida in their sanctuaries in Pakistan. Instead, General Musharraf is cracking down on lawyers, political opponents, and human rights activists or anyone who dares to stand in his way of total power in Pakistan.

Pakistan's Chief Justice, Iftikhar Chaudhry, is under house arrest, and the widely admired chair of the Human Rights Commission, Asma Jahangir, with whom I have met twice when I was in Pakistan—on two of the occasions I have been in Pakistan, I met with Asma Jahangir. She is a wonderful, lovely woman fighting for human rights for people in Pakistan. Her house has been declared a "subjail" by the Government.

What crimes have these people committed? They are guilty only of speaking out against General Musharraf's claim of absolute, unchecked power.

These are truly the actions of a desperate man. Obviously, General Musharraf is worried that the supreme court would rule in favor of those opposing his latest attempt to hold on to the Presidency and to remain a general in charge of the military at the same time. This is a blatant violation of international human rights standards enshrined in Pakistan's own constitution. General Musharraf has also cracked down on the independent media, shutting down all private television channels and radio stations.

What has been the reaction from our President and Secretary of State to this brazen violation of human rights and the democratic aspirations of the Pakistani people? President Bush has said he is "deeply disturbed." He has pointedly refrained from saying anything or condemning General Musharraf's actions.

I guess what set me off today was Negroponte. Deputy Secretary of State Negroponte told Congress on Wednesday that President Pervez Musharraf is an "indispensable" ally in the U.S.-led war on terrorism. . . . I am sorry, Mr. Negroponte, Mr. Musharraf is not an indispensable ally. The Pakistani people are an indispensable ally in our fight against terrorism. What a double standard.

Look at how the administration responded when Myanmar's military regime cracked down on prodemocracy protesters in September. Oh, my gosh, we condemned them to the high heavens—rightfully so. Now here is General

Musharraf doing the same thing in Pakistan and barely a peep from this administration. And then we have Negroponte, who has shown his colors in the past by calling dictators in Latin America in the past, now coming out saying Musharraf is indispensable. What does that say to the Pakistani people? What a double standard. No wonder the United States is held in such low esteem around the world today when we have President Bush and Mr. Negroponte taking after the brutal dictators in Myanmar, but, oh, not General Musharraf.

This is a profound mistake. This is the time to stand with the Pakistani people and not with the dictator who is dismantling their democracy. This is the time for the President to announce that he is suspending all U.S. aid to Pakistan except for humanitarian assistance directly related to the health, education, and human needs of the Pakistani people.

As of yesterday, President Bush has not even placed a call to General Musharraf. He should do so immediately. He should demand that the general immediately return the country to constitutional rule, restore freedom of the press, and unconditionally release the lawyers, human rights activists, and opposition leaders who have been arrested since Saturday, and he should inform General Musharraf that the United States is suspending all assistance to Pakistan, except for humanitarian aid, until such action is taken.

The world's greatest democracy, the United States, cannot turn a blind eye to the tragedy unfolding in Pakistan today. The time to act is now, and if the President will not act, I am prepared to work with my colleagues in Congress to suspend all assistance, except humanitarian aid, to Pakistan and to do it as soon as possible.

As I said, since 9/11, we have provided more than \$10 billion in aid to Pakistan. The overwhelming amount of this went to the military to boost its capacity to fight terrorism. But, unfortunately, the Pentagon and OMB have very little transparency or oversight of just how that money is being used or has been used.

In fiscal year 2007, Pakistan received an average of \$83 million a month at a time when Musharraf had negotiated a so-called peace arrangement with tribal leaders and was not even conducting counterterrorism operations in tribal areas. I think it is time for our GAO to look into where this money went, and I will be working with my colleagues on the Defense Appropriations Subcommittee to ensure that Congress is provided an accounting of all these expenditures. There are too many rumors, too many stories being told around Pakistan that a lot of this money has found its way into the pockets of high-ranking people surrounding General Musharraf.

Now I am told that some of our military money is being spent by Pakistan

on Harpoon missiles. These are anti-ship missiles used in naval warfare. Why in the world do they need these missiles? Is al-Qaida operating major surface warships? Hardly.

While this administration and Mr. Negroponte say that Musharraf has been a partner in the war on terror, the evidence is different.

Recently, Musharraf entered into a peace agreement with Baitullah Mehsud, a well-known Taliban supporter and sympathizer who operates in south Waziristan. This is the tribal area bordering Afghanistan where it is thought that maybe Osama bin Laden is hiding out. General Musharraf agreed to withdraw all Pakistani troops from the area and release 25 Taliban militants.

Additionally, Mr. Mehsud would not even agree to stop dispatching fighters to Afghanistan, where suicide bombings against American and NATO forces have dramatically increased this year. Just yesterday, there was a horrific Taliban bombing in northern Afghanistan, with dozens of people killed, including at least six members of the Afghan Parliament.

I ask: Why is General Musharraf making deals with the sponsor of attacks such as this? Is General Musharraf helping or hurting our fight against militant Islamic extremists in Pakistan? He makes an agreement with a known Taliban supporter, but he won't make any agreements with lawyers and human rights activists in Pakistan.

It is time for the Bush administration to make our efforts in Pakistan more effective. We need a real partner in this fight, not General Musharraf. He has severely undercut his ability to effectively fight terrorism. It is time to understand that only a government that is supported by its people will actually have the ability to crack down on extremists who seek to hurt and harm American interests.

The people of Pakistan have spoken out. They do not want Musharraf, but he is not listening. He is a dictator, and he is going to stay there, and he is going to trash the Constitution, he is going to jail lawyers and human rights activists and members of the supreme court.

Just remember, Musharraf came to power in a coup d'etat in 1999, ousting the democratically elected Prime Minister Nawaz Sharif. He assumed the title of chief executive. Later, he assumed the office of President of Pakistan, all the while remaining commander in chief of the military. Now he is seizing absolute power.

I have come to the floor many times in the last 13 years to speak about America's relationship with Pakistan, to praise Pakistan and the Pakistani people as a steadfast ally going back for more than half a century. I have been to Pakistan many times. Make no mistake, I am a friend of the people of Pakistan. I admire them greatly. They have been great, strong friends of the

United States for over 50 years. In the fight against communism and in every war we have ever conducted, they have helped us out. But at this time, I must speak out about the grave injustices being inflicted on the Pakistani people by General Musharraf in his grab for absolute power.

In the months and years ahead, the people of Pakistan will be asking: Who stood with us against General Musharraf's attempt to destroy democracy and seize absolute power? That is why it is so important that we in Congress, and the President as well, make it clear that we stand with the Pakistani people and Pakistani democracy and the rule of law and we reject Musharraf's power grab.

ROBERT H. CLAMPITT FOUNDATION CHILDREN'S PRESSLINE

Ms. LANDRIEU. Mr. President, I rise to speak about a provision in this bill that I sponsored. With funding in this conference report designated in the fund for the improvement of education, the Robert H. Clampitt Foundation's Children's PressLine will establish a New Orleans bureau to teach journalism skills to at-risk youth in New Orleans.

Using an oral journalism methodology created 31 years ago by its predecessor, Children's Express, New York City-based Children's PressLine, CPL, has a proven model of civic engagement and issues awareness by youth that facilitates the participation of children of all ages and literacy levels. Every year, CPL enables more than 75 children and teens to be trained quickly and easily, empowering them with real-world critical thinking, learning and writing skills outside of the constraints of a traditional classroom environment. This CPL model has a proven track record for creating an engaging program that teaches critical professional skills and media literacy in a format that invests children in the lasting journalism that they produce.

This funding would provide for CPL personnel to work with local education and community leaders to establish a New Orleans bureau, implementing the CPL model for youth training and development. In the spirit of CPL's acclaimed "In Search of Faith" project following 9/11, the bureau's youth reporters would apply their skills to creating an oral history of children's experiences recovering from Hurricane Katrina. As CPL content is syndicated nationally through the Scripps Howard News Service and through online news sites including PBS OnlineNewsHour, the program would also create a national forum for children's voices to be heard.

By sharing their poststorm experiences with a national audience, these children will both process their traumatic experiences in a creative way, while also developing important writing skills that will bolster their academic achievement. These types of creative programs are critical for children's development, particularly after

a traumatic experience, and we are excited that CPL will now have the resources necessary to build a New Orleans bureau and work with children who will benefit greatly from the program.

Mr. HARKIN. Thank you to the senior Senator from Louisiana for speaking so eloquently about the benefit that her State will get from funding in this bill. I understand there has been some confusion about the intent of this funding. I want to assure my friend from Louisiana that I will communicate to the Department of Education that the intent of this funding is to help children in New Orleans.

Mr. SPECTER. I will join the chairman in his efforts to clarify this provision.

Ms. LANDRIEU. Thank you to the chairman and ranking member for their efforts.

Mr. MCCAIN. President, I wish to discuss the appropriations package before this Chamber today. We find ourselves, once again, dealing with the bulk of our Nation's spending bills at the end of the year, behind schedule, devoid of the careful consideration these important measures warrant. It is distressing that year after year, the Congress fails to produce legislation on time and free of unrequested, unauthorized, and wasteful spending. It is unfortunate that this year is no different.

In hopes of avoiding a veto from the President on a bloated Labor, Health and Human Services appropriations bill, the majority has decided to lump the bill together with the popular Military Construction-Veterans Administration appropriations bill. Instead of allowing this body to consider each bill on its own merits through robust and transparent debate, the majority and its members of the appropriations committees have attempted to shield their wasteful ways with the treatment and well-being of our servicemen, women, and veterans covered under the MilCon-VA bill. Not only is this an unconscionable tactic, it also is a violation of Senate rules, specifically rule XXVIII and represents the continued devolution of our annual budgeting process. I am confident that there will be enough collective wisdom mustered today to uphold the Senate rules and send this conference report back to the House.

Let us address briefly the reasoning behind the President's threatened veto of the underlying bill. The Labor-HHS bill currently stands \$9.8 billion above the President's request, and \$841 million over the Senate-passed level. Not only is this an unacceptable inflation of the original funding request, but it also highlights the egregious practice of earmarking funds. During conference, behind closed doors, there were at least 117 earmarks added to the Labor-HHS portion of the bill, and an additional 109 earmarks inserted into the MilCon-VA portion. Overall, the package before us today contains an eye-popping total of nearly 2,200 earmarks. I am ashamed of this graphic

display of waste. It is disconcerting that in this time of necessity for our men and women returning from service overseas, lawmakers have attempted to hijack a bill vital to ensuring their proper care and treatment.

As usual, the majority of earmarked funds in this bill will go to the States represented by members who serve on the appropriations committee. I have long stressed the necessity of reforming the excessive and irresponsible ways of earmarking, and the state of the bill before us today only reinforces that need. And to think, less than months ago, most Members heralded the enactment of the Honest Leadership and Open Government Act of 2007, believing it would change business as usual. Well, it hasn't.

Allow me to take a moment to highlight a few earmarks of particular note: \$350,000 to study the relationship between residential floor coverings and distributive patterns of airborne particulates in Smyrna, GA; \$320,000 for the American Jazz Museum, Kansas City, MO; \$400,000 for a study of the feasibility of establishing a graduate school in the medical sciences at Radford University in Radford, VA; \$130,000 for the First Ladies Museum in Canton, OH; \$325,000 for the South Florida Science Museum, West Palm Beach, FL; \$150,000 for the Italian-American Cultural Center of Iowa in Des Moines, IA; \$150,000 for the American Ballet Theatre in New York, NY; \$1.42 million for the virtual colonoscopy outreach program at Marshall University in West Virginia; \$100,000 for the Kansas Regional Prisons Museum; \$250,000 for exhibit preparation at the James K. Polk Presidential Hall TN; \$75,000 for the Monterey Bay Aquarium in California; \$211,900 for exhibit preparation at Utah Art and History Museum.

While some in this body may feel that it is in our vital national interest to spend \$350,000 of the American taxpayers' money to study the spread of dust on residential floor coverings, I simply disagree. The above-mentioned projects are only a small snapshot of the many, many other wasteful items tucked away in the 853 pages of this bill.

Our Nation remains at war, and as a result we continue to see our brave service men and women in uniform returning home in need of comprehensive and effective care from our VA system. It is our responsibility as Members of Congress to address the needs of those who have borne so valiantly the sacrifices of armed conflict by providing our VA system with the resources needed to accomplish its mission. The President has stated publicly his intention to sign a clean version of the MilCon-VA bill when it reaches his desk. However, rather than addressing the needs of our veterans in a timely fashion, the majority has chosen to unnecessarily delay passage of this vital bill. The American taxpayer expects more of us, as do our brave service men and women who are fighting abroad on

our behalf. We must stop these Washington games and return to placing our Nation's interests before our own.

Mr. ENZI. Mr. President, I wish to address the pending legislation, the conference report for the Labor, Health and Human Services, and Education Fiscal Year 2008 appropriations legislation, which has been combined with the Fiscal Year 2008 Military Construction VA appropriations legislation.

I encourage my colleagues to cut right to the chase. Packaging these bills together is an effort to force President Bush to sign the Labor-HHS appropriations bill, which he opposes and will veto, by combining it with a Military Construction Veterans funding bill that cleared the Senate with almost unanimous consent. We ought to be working to write funding bills that are acceptable on both ends of Pennsylvania Avenue and debating these conference reports separately. Instead what we are seeing is 2008 election year politicking at work.

I voted against the Labor-HHS appropriations bill on the floor because of the overall spending level, which was roughly \$9 billion over the administration's request. Now I understand that this portion of the conference report grew by an additional \$840 million beyond what the Senate passed. The level of spending in this title of the conference report is excessive and will add to the huge financial burden we are leaving for our children and grandchildren. So while this legislation is well intentioned, I cannot support it. Nine billion dollars may not seem like much money in the context of a budget that totals more than \$2 trillion. But the cumulative effect of excessive spending will total in the tens of billions in any given year unless we act to maintain some form of fiscal discipline. Some of the additional spending, particularly related to education, I support—but the vote being cast today is in relation to the entire \$151 billion discretionary package, which on the whole I do not believe should be approved.

The military—veterans title of this package first passed the Senate by a vote of 92 to 1. I supported this bill on the floor, which was \$4 billion over the administration's request, because I agree with the vast majority of the policies and support the increased commitment to our Nation's veterans during a time of war. I fully support this portion of the conference report—and my understanding is that if the Congress presented this title to the administration as a free-standing bill, the President would sign the legislation. So what we are seeing on the floor of the Senate here today is the majority party's willingness to use whatever means necessary to get their way on excessive domestic spending—even if it means stalling a bill that would provide immediate resources to our Nation's veterans. Rather than working for the best interests of our veterans, they are being used for political the-

ater. That, to me, is shockingly bad judgment.

I understand that a point of order lies against this package for violating Senate rule XXVIII, and that it will be raised this afternoon. I will vote to sustain the point of order because the end result could be President Bush receiving the Labor-HHS title and the military-veterans title as free-standing packages. Thus the military-veterans package would be signed and needed funds for our veterans will be available.

My understanding is that, for a variety of reasons, the President will veto the Labor-HHS title. The administration has been vocal about their concerns for some time, so this should not come as a surprise to my colleagues. The Senate has been on notice.

I tried to improve the Labor-HHS title during the floor debate by offering an amendment dealing with the Ryan White HIV/AIDS funding formula. My amendment was accepted by a rollcall vote of 65 to 28, but dropped during the conference process. My amendment simply ensures that the current Ryan White funding formulas would not be altered by this appropriations bill, neutering a provision in the underlying House bill that changes the formula that was unanimously agreed to in the Senate just last year. We agreed the money would follow the patients. The conference report will revert to waiting lines, while providing San Francisco a funding increase—even though they receive money in part for people who are already dead.

Last December, the House and Senate passed by a overwhelming majority authorization legislation for Ryan White. Our recent revisions to Ryan White ensured that no large city lost more than 5 percent of its formula funding from the previous fiscal year. In addition to the formula funding, cities sometimes receive additional supplemental funds to deal with severe need. To ensure more stability, we reduced that supplemental funding—from 50 percent of the total to one-third of the total appropriations—to provide additional formula funding.

The House provision I mentioned, which Senator FEINSTEIN stated on the Senate floor was a "Pelosi fix," funnels \$9.4 million away from the current Ryan White Fiscal Year 2008 formulas so that 11 cities could benefit from yet another hold harmless provision for Fiscal Year 2007. This new, retroactive hold harmless provision is added on top of the hold harmless provisions under the current Ryan White funding formulas. While some have called this a stop-loss, it is still a change to the funding formulas because it alters how the appropriations dollars would be directed to cities receiving Ryan White funds. This is a retroactive application of the stop-loss, applying to 2007 grant awards, not 2008 grant awards. Quite frankly, this earmark ensures that 11 cities arbitrarily receive additional funds for Fiscal Year 2007 at the expense of 45 other cities.

Even though my amendment was supported by a majority of Senate conferees, it was dropped in the conference negotiations. Because no amendments were allowed during the conference meeting, there was no chance for all conferees to take an up-or-down vote. Is this democracy at its best? Our constituents deserve a better, more fair process.

As I said previously during the Labor-HHS floor debate, I stand ready to work with all of my colleagues on a compromise product that can garner support from both the legislative as well as the executive branch of our Government. It is unfortunate that we have to waste yet another week on this political exercise, rather than using that time to write a quality compromise product that can actually become the law.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The majority leader is recognized.

Mr. REID. Madam President, I alert my distinguished counterpart, Senator MCCONNELL, that I am going to use 4 or 5 minutes of leader time. So if he needs more time, I alert him to that fact. Our time is basically gone. I didn't know that when I came to the Chamber.

Mr. MCCONNELL. Madam President, I am prepared to use a couple minutes of my leader time.

We have before us a combination of two bills—the Labor, Health and Human Services bill and the Veterans bill. We know the President will sign the Veterans bill. He has been hoping to get it for the last couple of months. We know he will veto the Labor, Health and Human Services bill. So Senator HUTCHISON from Texas has made a point of order that the Veterans bill should not have been placed into the Labor-HHS bill in conference.

The principal reason for sustaining that point of order is to separate these bills and give us a chance to get a Veterans bill to the President by Veterans Day, which is next Monday. Today is the last day the House of Representatives could appoint conferees on this bill in order to get it to the President by next Monday, Veterans Day. So the only way we can get a signed Veterans bill by Veterans Day is for the point of order to be sustained, thereby separating these two bills and giving us a chance to get the job finished for our veterans, who richly deserve this important bill, by next Monday on Veterans Day.

I urge my colleagues to vote to sustain the point of order, to give us a chance to get these bills separated and get this much needed relief to our veterans by next Monday, Veterans Day.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Labor, Health, and Education bill passed the Senate with 75 votes. When the bill originally passed the Senate, I applauded my Republican colleagues

for joining with us in such great numbers to support a bill of such great importance to our country's domestic well-being.

This bill makes significant investments in education, and isn't it right that we do that? It supports the No Child Left Behind programs such as title I grants. In one school district in Nevada, 315,000 students go to that school district. I have another school district in Nevada that has 88 students in it. We have 17 superintendents of schools in Nevada, but I have met with every one of the superintendents, and they believe the No Child Left Behind Act is really creating problems. Whether it is a big school district or a little one—problems. One of the big problems is the financial aspects of it are too short.

The conference report that is before the Senate will do something to magnify our ability to educate children with disabilities. That is the right thing to do. Why should the burden be left with local school districts? That money is taken from programs that enrich schools and is used to take care of a Federal mandate—educating these children. I support educating those with disabilities—physical, emotional, mental disabilities. They should be educated. But we required the States to do that. We should step forward. We have not done that. This bill conference report does that.

This legislation helps families pay for college with Pell grants and other aids. It is important that is done.

This legislation supports our economy and the well-being of our workforce with job-training programs for adults, young people, and dislocated workers, and supports funding for the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health.

For health care, it makes critical investments, including local health care centers like community health care centers, to improve access to care and train nurses and other health care professionals.

I can remember as a young Senator, Senator Moynihan was back there. He sat right back there. We were debating, at the time, one of the problems of the day—homelessness. Senator Moynihan said to me—he said it as a professor would tell a student—he said that one of the big problems with homelessness is we haven't lived up to our obligation as a Congress. When we emptied the mental institutions around the country, one of the obligations we had was to have community health centers so these people could go back and have their medicine readjusted. He said we have not done that. Very few community health centers exist, and this is the reason we have so many homeless. This legislation doesn't cure it, but it helps, it helps with community health centers.

In this legislation, crafted by Senators HARKIN and SPETER, there are new funds for medical research to

study diseases such as diabetes, cancer, Parkinson's, and Alzheimer's.

I had a conversation with J.C. Watts yesterday. He is retired from Congress but an All-American quarterback from Oklahoma, a great athlete. He said: Have you seen David Humm lately? I said: No, I haven't. David Humm was an All-American from Nebraska, and, of course, J.C. Watts knew of him and knew him. I told him: You wouldn't know David Humm. Handsome—he should have been a model. He played college football. He played professional football for 10 years. But he was stricken with multiple sclerosis. David Humm is very sick now.

You think of people like David Humm when you recognize that we need to do medical research. This legislation increases funding for diseases such as multiple sclerosis. It gives the National Institutes of Health resources to do things in medical research that they cannot do unless they get money.

Right now, people who want to do medical research are stymied. They know they make these applications to the National Institutes of Health, and if they are lucky, one out of every five grants will be funded, so a lot of people don't bother to even apply anymore because their chances are so remote that they are going to be able to do their medical research. This bill will help.

This legislation fights poverty with community service block grants and social service block grants. It adds money to programs such as Head Start to keep kids healthy and start them on a path to good education and helps families cope with ever-rising energy prices.

It does it all. It works in tandem with the VA portion to support America's veterans with funds for the Substance Abuse and Mental Health Services Administration. There is money in this to support the Department of Labor's veterans employment and training programs to help returning troops.

There are additional moneys for emergency and hospital care, rehabilitation, education, and long-term support for Americans with traumatic brain injuries.

It is a good partner with the bill that is part of this conference report, the veterans aspect of this. In the Labor-HHS bill, there is care for homeless veterans, who comprise an outrageous 23 percent of America's homeless population. If you see a homeless person on the street, you can bet, No. 1, there is a 25-percent chance that person is a veteran. What a shame.

The priorities I talked about here are not Democratic or Republican priorities; they are American priorities. We all want to keep our economy strong and growing, we all want to provide our children with keys to unlock a future of limitless opportunity, and we all want to give every American a chance to share in the blessings of our country. The bill now before us reflects those ideals in a responsible way. Yet President Bush has threatened another veto.

Remember, “veto” is a new part of his vocabulary. He has been President for 7 years, and that is just something new he has picked up. In fact, he has threatened to veto all 12 appropriations bills before they were even written. He has already vetoed children’s health insurance and is threatening to veto the farm bill, which is bipartisan legislation that both sides of the aisle have worked hard to write. In the 7 years of his Presidency, after having rung up record deficits and debt with his tax and spending policies that were rubberstamped by a Republican-dominated Congress, President Bush has suddenly decided to act as if he has newfound fiscal discipline.

Given his fiscal record, everyone should understand the President’s latest stand is driven by partisan politics rather than a desire to pursue proper fiscal policy. I understand that. I am sure many of my colleagues on the other side of the aisle understand that. We all do understand it, but it is irresponsible. His failed Presidency has left him with little else to become relevant. But he should not attempt to score political points on the backs of our veterans who have given so much to our country and received so little in return.

We have, in this conference report, \$4 billion more than he asked for. Why? Because it is needed. The President should not attempt to score political points on the backs of working families who are struggling mightily after 7 years of his failed economic policy. Gas prices in Nevada are way over \$3 a gallon now, and they say they will arrive at \$4 a gallon. The President should not attempt to score political points on the backs of children in need of a good education, those who are ill and in need of a cure and those who are homeless in need of a place to sleep.

He should not, and we must not let him, and we have that right here. We have the ability, and we have that obligation when we vote on this later today.

Some Republicans are seeking to separate the two bills—to force a vote just on the VA bill and vote just on the Labor-HHS bill. If we do that, here is what happens. This bill will go back to the House with only the Labor-HHS bill. That is all the President will get. He will not get the veterans bill. At some time he will get it, but he could have it today. Remember, one bill we passed by 92, the other one by 75. Why would people change their votes? They agreed on these two bills. We have not changed the amount of them.

So I hope we can do both of these bills. With the same bipartisan support that has brought this bill to the floor, we can pass it and send it to the President. We can get aid to veterans before Veterans Day. We can start investing in America’s domestic priorities right away.

We must not dance around the reality of the situation. President Bush wants these bills separated so that he

can pressure us to make even deeper cuts in education, health care, and homeland security. Why do you think increases were made in the Labor-HHS bill? To help the American people as we see it. We are an equal branch of Government.

The President and some of his allies here in the Senate are sure to recycle their well-worn language that we are holding up funding for veterans. That is false. It is untrue. We stand ready to pass this bill today. We stand ready to make right the awful conditions many veterans face as a result of this administration’s neglect. We will not take from Peter to pay Paul. We need not make that choice.

Mr. President, 92 Senators who voted for the VA bill believe it sets the right priorities for America. I do too. Clearly, the 75 Senators who voted for the Labor-HHS bill believe it, that it sets the right priorities for America.

What we have before us now are the same priorities. They have not changed. I urge my colleagues to do the right thing.

We are the legislative branch of Government. The Founding Fathers, in setting up this wonderful country with our Constitution, made three separate and equal branches of Government. We, the Congress, do not serve under the President; we serve with the President.

Why in the world would Senators who voted 75 in number now suddenly vote against the bill for which they voted? That is what they are doing. Why wouldn’t we just send this whole piece of legislation to the President? Seventy-five Senators voted for one part of it; 92 Senators voted for the other.

Be the legislative branch of Government; that is who we are. Don’t kowtow to the President. We did what we thought was right, and it is unfair for him now to tell us how we should legislate.

I ask that Senators vote the way they did the first time around: 92 supported the VA bill; 75 supported the Labor-HHS bill. They are both badly needed for this country.

Madam President, if we have remaining time, I yield it back.

Mr. MCCONNELL. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to waive the point of order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN)

and the Senator from Kentucky (Mr. BUNNING) would have voted “nay.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 46, as follows:

[Rollcall Vote No. 404 Leg.]

#### YEAS—47

Akaka	Harkin	Murray
Baucus	Inouye	Nelson (FL)
Bayh	Johnson	Nelson (NE)
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

#### NAYS—46

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchinson	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

#### NOT VOTING—7

Biden	Clinton	Obama
Brownback	Dodd	
Bunning	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the language that is the subject of the point of order is stricken.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am not going to exercise my privileges under the unanimous consent request.

The PRESIDING OFFICER. Under the rule, the Senate now considers the question of whether the Senate should recede from its amendment to the House bill and concur with a further amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator

from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 405 Leg.]

**YEAS—56**

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Cochran	Levin	Stabenow
Coleman	Lieberman	Stevens
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Craig	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

**NAYS—37**

Alexander	Domenici	Martinez
Allard	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hagel	Shelby
Coburn	Hatch	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Crapo	Isakson	Warner
DeMint	Kyl	
Dole	Lott	

**NOT VOTING—7**

Biden	Clinton	Obama
Brownback	Dodd	
Bunning	McCain	

The motion was agreed to.

Mr. BROWN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

**UNANIMOUS-CONSENT  
AGREEMENT—H.R. 1495**

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, November 7, when the President's veto message on H.R. 1495 is received, it be considered as having been read, spread in full in the Journal, and printed in the RECORD; that there then be 3 hours of debate on the message with the time divided as follows: 45 minutes each for Senators BOXER and INHOFE, 90 minutes under the control of the Republican leader or his designee; that upon the use or yielding back of time today, the message be set aside to occur following morning business tomorrow morning, Thursday, November 8, at which time there be a total of 30 minutes remaining for debate, with 7½ minutes each for Senators BOXER and INHOFE and 15 minutes for the Republican leader or

his designee; that upon the use or yielding back of time, with no further intervening action, the Senate proceed to vote passage of the bill, the objections of the President notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to urge my colleagues to override the President's veto of this important bill. There are many colleagues who want to speak tonight on the subject of WRDA, because this has been a team effort. Senator BOXER, the chairman of the committee, along with Senator INHOFE, ranking member, have worked hard and diligently to put a bill together which the vast majority of us support, and many colleagues are here tonight to speak. I will be very brief.

I want to speak about this bill because it is so critical to Louisiana. It is critical for us to give a green light to the people of south Louisiana and to the gulf coast who are still struggling to rebuild and put the pieces of their shattered lives back together because of the unprecedented two-punch storm—Katrina and Rita—and the breaking of the Federal levee system that should have held but didn't. We saw 285,000 homes destroyed. Because of the fires in California, as horrific as they were, screaming out of the mountains with the Santa Ana winds and scorching homes and neighborhoods, 1,600 homes were lost. Thousands of families were displaced and some businesses destroyed. But compared to Katrina and Rita, which is now 2 years in the past but is very close in the memory and hearts of the people still living there, we have to continue to remind ourselves and the Nation, it was 285,000 homes destroyed, unprecedented in the history of this Nation.

This bill in place lays a foundation for us to build on. It lays a foundation for security and prosperity. Frankly, without it, our long-term recovery is in jeopardy. This bill will authorize, not fund, about \$7 billion in critical water infrastructure projects, the first real piece of Louisiana coastal restoration effort, the closing of a shipping channel that was literally devastating to the parish in which it lies, St. Bernard Parish. Every home was destroyed in that parish; 67,000 people who lived there saw their lives and businesses destroyed when the levees supporting this commercial channel failed. There were levees throughout the metropolitan area that failed. This bill begins to lay a foundation for coastal restoration, to restore levees, to close the Mississippi Gulf outlet channel we refer to as Mr. Go, establishing for the first time hurricane protection along some southern parishes, Lafourche and Terrebonne, which we don't hear very much about because everybody focuses on New Orleans. We don't hear about Lafourche and Terrebonne and Iberia and Cameron. These are parishes that have hundreds of thousands of people

who live there and support the commerce of this Nation disproportionate to their number. This is where the pipelines are. This is where much of the energy infrastructure is for the Nation. It is these places we want to preserve for the future.

That is why Senator INHOFE and Senator BOXER and the members of their committee—Senator VITTER represents us on this authorizing committee—have done an outstanding job in pulling together these projects. I don't know why the President chose this bill to try to reassume the mantle of fiscal responsibility, but he picked the wrong bill. As my colleagues will explain, it is fiscally responsible to pass a framework, a guideline, a limit on these projects. That is what WRDA does.

For the Nation it is important we invest in critical infrastructure. I don't like to make these comparisons on everything, but it is worth noting that we are now spending \$120 billion this year in Iraq. We are spending \$2.3 billion a week. It is hard for me to go home to Louisiana and explain why we can't come up with \$7 billion in authorizations for projects that are going to last over the next 20 or 30 years. We still have to go back and get the funding, but without authorization, we can't get started.

I hope my colleagues will join me in a strong override. The House did so last night. I look forward to the Senate overriding the President's veto of this important bill.

I retain the remainder of my time.

**WATER RESOURCES  
DEVELOPMENT ACT OF 2007—VETO**

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 1495, which under the previous order is considered read and spread in full upon the Journal.

The message from the President to the House of Representatives is as follows:

*To the House of Representatives:*

I am returning herewith without my approval H.R. 1495, the "Water Resources Development Act of 2007."

This bill lacks fiscal discipline. I fully support funding for water resources projects that will yield high economic and environmental returns to the Nation and each year my budget has proposed reasonable and responsible funding, including \$4.9 billion for 2008, to support the Army Corps of Engineers' (Corps) main missions. However, this authorization bill makes promises to local communities that the Congress does not have a track record of keeping. The House of Representatives took a \$15 billion bill into negotiations with a \$14 billion bill from the Senate and instead of splitting the difference, emerged with a Washington compromise that costs over \$23 billion. This is not fiscally responsible, particularly when local communities have



been waiting for funding for projects already in the pipeline. The bill's excessive authorization for over 900 projects and programs exacerbates the massive backlog of ongoing Corps construction projects, which will require an additional \$38 billion in future appropriations to complete.

This bill does not set priorities. The authorization and funding of Federal water resources projects should be focused on those projects with the greatest merit that are also a Federal responsibility. My Administration has repeatedly urged the Congress to authorize only those projects and programs that provide a high return on investment and are within the three main missions of the Corps' civil works program: facilitating commercial navigation, reducing the risk of damage from floods and storms, and restoring aquatic ecosystems. This bill does not achieve that goal. This bill promises hundreds of earmarks and hinders the Corps' ability to fulfill the Nation's critical water resources needs—including hurricane protection for greater New Orleans, flood damage reduction for Sacramento, and restoration of the Everglades—while diverting resources from the significant investments needed to maintain existing Federal water infrastructure. American taxpayers should not be asked to support a pork-barrel system of Federal authorization and funding where a project's merit is an afterthought.

I urge the Congress to send me a fiscally responsible bill that sets priorities. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment. For the reasons outlined above, I must veto H.R. 1495.

GEORGE W. BUSH.

THE WHITE HOUSE, November 2, 2007.

The Senate proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned to the House by the President on November 2, 2007, with his objections, and passed by the House of Representatives, on reconsideration, on November 6, 2007.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding, for clarification—because we have changed this a little bit—that our final decision is we are going to have an hour and a half kind of equally divided for those of us who are for overriding the veto, and then after that there will be an hour and a half for the other side, and we can divide our time as we want since we are agreeing on this. Is that correct?

The PRESIDING OFFICER. The Senator from Oklahoma controls 45 minutes of his own, as does the Senator from California, Mrs. BOXER.

Mr. INHOFE. Yes, that is fine.

The PRESIDING OFFICER. Ninety minutes is reserved for the Republican leader, and all of that time can be parceled out in a manner the Senator sees fit.

Mr. INHOFE. Good. The bottom line is, we are going to have an hour and a half to state why we think this is not a good veto and to override it.

Mr. President, I do have a number of people, Republicans, who want to come down and be heard who did not have a lot of time for preparation. I am very glad this is coming up right now, but, hopefully, they are still going to be around.

First of all, Senator BOND has been very helpful in this effort and is a very senior member of this committee that put this legislation together. I will yield him whatever time he shall use. Ten minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Oklahoma. I congratulate him and the Chair, Senator BOXER from California, for bringing this balanced and much needed bill to the floor so we may expeditiously override the veto.

Now WRDA is supposed to be authorized every 2 years, but there has not been a bill passed by this Congress during the entire administration. I have been working on this bill since 2001, so we are calling it WRDA 2001. The reason I have a direct interest in it is my State has nearly 1,000 miles of Missouri and Mississippi River frontage in addition to our lakes. Our communities rely on Corps projects for affordable water transportation, flood protection, energy production, environmental protection, and recreation opportunities.

When we talk about the environment—and in a minute I will be telling you why the environmental benefits of transportation by water are so important—my constituents know that Corps projects mean jobs, trade competitiveness, reliable and affordable energy, drinking water, and protection from floods which ruin property and kill people.

We are not alone because States up and down the Mississippi River, up and down the Missouri River, up and down the Ohio River, States in the central part of the Nation, depend on the lakes; and States on the coasts depend upon their ports as well. So this is truly a national bill. But I can speak to it directly from what I have seen and what I know in my part of the world.

I am delighted we are completing our long journey to permit modernization of the Mississippi River locks. These locks were built during the Great Depression, some 75 years ago, for paddlewheel boats—paddlewheel boats—that only pushed 600-foot barge tows. Now we have 1,200-foot barge tows trying to get through 600-foot locks. They have to double lock. And these locks are old.

I have spent a lot of time with the people who depend on these locks—the

farmers; shippers of cement, building materials, fertilizers, energy, coal, and petroleum that travel by water. They showed me and I have seen that these locks are not just leaking, sheets of water are coming through them. You can only use so much bailing wire and duct tape on a 75-year-old lock to keep it from going out.

Now one medium-sized 1,200-foot barge tow carries the same amount of commodities that 870 large semitrucks would carry. It would take a train car unit 2¼ miles long to carry the same load. But there is not room on our highways to put 870 trucks for every barge tow that would be used. The rails are filled. There is not room to put a 2¼ or 2¾ train on our railroads.

If we want to get our commodities to the market, if we want to have the most environmentally friendly and efficient means of transportation, we have to be able to move goods up the Mississippi River.

The locks in the bottleneck begin just above St. Louis. So all of the northern Midwest depends on those locks. The Mississippi River itself carries about 60 percent of the grain moving in international commerce, foreign trade—getting better prices for our farmers, keeping our rural communities healthy with good prices, and also lessening our balance of trade deficit. If you believe in selling our goods abroad, if you believe foreign sales are good for us—and I am strongly convinced they are—then we must have transportation.

We have had a long, arduous process to get the 2-year bill in 7 years, and we have been blessed with strong bipartisan support. From my part of the country, Senators GRASSLEY, HARKIN, DURBIN, and OBAMA have played key roles, and I express my gratitude.

Now the administration says they vetoed this bill because they say it is too big. If it were a normal 2-year bill, it would be big. But this is a 7-year bill, taking into account literally four different WRDA bills. If you total only three WRDA bills during the 5-year period—1996 to 2000—the authorization levels are comparable.

I think we must override the veto because this bill does not spend a dollar. It is an authorization bill. It says these projects are approved for consideration for funding. The Corps of Engineers has gone through extensive processes—engineering, public comment—to come to this point, and we are giving congressional blessings. This just adds projects to the list eligible. Put another way, it is a license to hunt. You still have to go out and hit the bird, and you cannot go beyond the limit. The limit is the budget.

The White House should know this bill spends not one dollar. The breakfast menu is larger, but the breakfast budget is unchanged. To say otherwise is to either misinform or purposely mislead.

The unfortunate reality for our State and the farmers and shippers in our

State is that water resources and water transportation do not seem to be a high priority of this administration, despite the expectation of supporters in 2000.

The previous administration was not supportive, and this one is no better. I know the White House staff will disagree, but OMB ought to try to go out and talk to the people who live in our part of the country. There are many areas where these projects are needed.

In November of 2005, the Washington Times reported that President Bush noted during a press conference with Panamanian President Torrijos:

[I]t's in our nation's interest that this canal be modernized.

Well, I think that is a great idea: modernize the Panama Canal. But while we are at it, why not modernize our own shipping areas? The administration does not oppose modernizing the Social Security-aged locks on the Mississippi River built for paddlewheel boats, but they also have not endorsed it or lifted a finger to endorse it. Endorsement was reserved for upgrading the waterways in Panama. My colleagues and I believe our Midwestern exporters deserve as much consideration as Chinese exporters who transit the Panama Canal.

I could list the supporters of it: the National Corn Growers Association, Carpenters Union, Operating Union, American Farm Bureau Federation, American Soybean Association, scores of members of the Waterways Council, and a whole lot of hard-working folks in Missouri and Illinois with whom I have met.

Our staffs have worked tirelessly on this legislation—not for days or weeks but years. There are many who have worked hard. I thank Ruth Van Mark, Ken Kopocis, Angie Giancarlo, Joe-Ellen Darcy; and a very special thanks to the bipartisan staff support of a very good friend of mine, Let Mon Lee, who has worked on the committee.

The success of our economy and its people owes a great debt to the investments that were made by those who came before us.

I urge my colleagues to vote for investments that will provide opportunity, value, competitiveness, and growth to our future so our export growth will not be limited to exporting barges.

This, as shown on this chart, is what we are exporting. We are exporting the barges to countries in Latin America so they can ship efficiently, economically, in environmentally friendly waters and take markets away from American farmers.

My thanks to the committee and the staff of Environment and Public Works. We appreciate their work. I urge my colleagues to join with us and adopt this bill by a veto override.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there will be other Members who want to

come down to speak. When that happens, if staff will remind me, I will interrupt my remarks in order to give them time.

But I want to approach this legislation a little bit differently. I could be standing here and saying some of the same things my good friend from Missouri said in terms of things that are in this authorization bill that are critical to my State of Oklahoma, but I think my State of Oklahoma already knows that. I already talked to them about it.

We have things in this bill, and they are not all projects that will be built, but these are projects that the Corps of Engineers has carefully gone through, prioritized, and determined should be done.

Let me give you an example. We have work on the most devastating Superfund site in America called Tar Creek in northern Oklahoma. That is something that is going to be addressed in this legislation. We are more than 50 percent through resolving that problem, but more needs to be done—things such as a lake called Arcadia Lake that is close to the central part of the State. The city of Edmond has been in not a lawsuit but a legal difference with the Corps of Engineers now for many years, and they were almost forced to pay several million dollars for water they never did receive. So a lot of this bill clarifies problems that are out there, and it is necessary.

I think the Senator from Missouri made it very clear, the last time we had a bill was the year 2000—7 years ago—and actually that bill, 7 years ago, was only a 1-year bill. A lot of people think it was a 2-year bill. It was a 1-year bill. We are supposed to have these every year or 2 years, but we have not had one.

Last year I can remember standing here on the floor, and I think we actually got it passed, but then we ran out of time before adjournment took place.

It is very difficult for me to do this because I love our President, but I think he has been ill advised in this case because, as has been pointed out by the Senator from Missouri, this bill does not spend a dime. For people to walk around—and I am doing quite a bit of time on talk radio to make sure the public is aware of this—this is an authorization bill.

In a minute, I am going to explain the history of authorization versus appropriations. I hope there are some people who are listening, particularly conservative people. The reason I say that—we are all rated around here for being conservative or liberal. I happen to be rated by the American Conservative Union, and several other organizations, not No. 2, I say to my friend from Colorado, not No. 3, but No. 1—the most conservative Member of the Senate. Yet I am standing here asking this Senate to override the President's veto of the authorization bill called WRDA.

Now I see my friend, the junior Senator from Louisiana, is wanting to

have some time. I will be glad to yield to him, and then I am going to come back and kind of go over some history at that time.

How much time would the Senator like? Ten minutes?

I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I particularly thank my distinguished colleague from Oklahoma, the ranking member on the committee. I thank Senator INHOFE and Senator BOXER and all of the committee members for all of their diligent work for many years, in fact, that has finally produced this very good and worthwhile WRDA bill which we are about to pass into law.

I stand as one of the two Senators from Louisiana very excited about this moment because this legislation is absolutely crucial for our recovery from Hurricanes Rita and Katrina and, indeed, for our survival as a coastal culture, as a coastal State, moving into the future. It is absolutely vital in that regard. I believe passage of this bill, including overriding the President's veto, is absolutely necessary for the Nation and the Congress to keep the very generous and very solemn commitment made to the people of Louisiana and of the gulf coast following Hurricanes Rita and Katrina. This bill is enormously important, and it has been a long time in coming.

While ordinarily a WRDA bill would be passed every other year, we haven't had one in many years to pass through the Congress. So, as a result, this is long overdue. This is the equivalent of two or three water resources bills combined.

The good news is that from our perspective, particularly dealing with Louisiana issues, we have used that time and that opportunity to improve the bill dramatically, even from the moment when I came to the Senate 3 years ago and started working on the committee on this bill to improve it dramatically and to include more measures for coastal restoration, coastal protection, and hurricane protection for our survival.

I want to make clear this isn't some parochial Louisiana matter. Even the provisions I care most deeply about have national importance and a national impact and truly are national priorities. Let me mention a few sets of numbers just to illustrate the point.

Thirty-three: That is the number of States that rely directly on the protection systems in Louisiana authorized in this bill for maritime commerce—import and export of goods—and, of course, that includes the entirety of the Midwest and particularly grain and other products from farmers in the Midwest.

Eighty: That is the percentage of domestically produced chemicals and petrochemicals that come from Louisiana and Texas vital to our economy. This bill is helping protect that economic infrastructure, that industry.

Twenty-six: That is the percent of seafood that comes from Louisiana waters and includes more shrimp, crawfish, and oysters than any other State.

Three million: That is the number of barrels of oil that could not be refined each day because of the shutdown of our refineries immediately after the hurricanes.

One dollar: It doesn't sound like much, but that is the extra amount that each of our constituents nationwide paid per gallon as a result of the 2005 hurricanes that hit Louisiana. Each gallon of gas used to take kids to school and to drive to work, farmers using it in their tractors, boats to ship imports and exports, airplanes to fly passengers and cargo, truckers to drive their loads across the Nation—\$1 a gallon extra because of that disruption, because of a lack of protection.

Mr. President, \$2.8 billion: That is the extra amount all of our constituents paid nationwide in just 1 week as a result of those gasoline price spikes.

Maybe the most important number is 4. That is from a commission, a study commissioned by FEMA. That is the amount of money saved: \$4 for every \$1 invested in mitigation and protection. That is a great savings for the future for the taxpayer.

So this is vitally important for my people in Louisiana, but it is vitally important to the Nation because of that direct connection, because of that direct impact of the hurricanes on the Nation's economic vitality, on the Federal Treasury that had to respond to the devastation of the hurricanes.

As I said, I am proud of the work all of us have done, including, as I served on the committee, on the conference committee, to fashion key provisions, taking into account the lessons of Hurricanes Rita and Katrina, key provisions that are now in this bill.

Let me mention just a few. The Water Resources Council: That is a council and an integration team that would be verifying the Corps' work, the Corps' conclusions and findings in terms of the implementation of Louisiana projects. So we have experts from outside the Corps, from academia, from the realm of practicing engineers to work hand in glove with the Corps so that design mistakes such as those that led to the levee breaches never happen again.

True 100-year hurricane protection: As I grew up in the New Orleans area, I was told we had 100-year protection, but the day Katrina hit, it disclosed the fact that wasn't true. Now we will be building through this bill true 100-year hurricane protection, and I thank President Bush for his commitment to that and his commitment to ask for all of the funding necessary to do that.

Moving forward on higher levels of protection for populated areas, what we would call true category 5 protection: The Corps is currently looking at that, designing that, but this bill will move that effort forward in a major

way so we move forward with the design and implementation of that higher level of category 5 protection.

Coastal restoration: We can talk about levees and physical barriers and the storm surge all we want, but if we continue to lose our rich coastland, which is the buffer land from storms, we will never be able to win that fight. So the fight starts with restoring our coastal barrier islands and coastal buffer lands. In this bill we have \$4 billion worth of that authorized work, 17 separate projects for coastal restoration. Of all of the work I have done in this bill, I think beefing up that portion of it is what I am most proud of because when I came to the Senate, when I came to this committee, there was only about \$400 million dedicated to that coastal restoration, one specifically authorized project. Now there is \$4 billion and 17 authorized projects.

We can go on and on. Closing MRGO, the deadly hurricane highway which was directly related to so much of the catastrophic flooding in New Orleans; other important work around the State, work with regard to the Port of Iberia and improving hurricane and flood protection in Vermilion parish, work that is very crucial to the Calcasieu River to allow navigation in that area to go on and prosper; bank stabilization for the Quachita and Black Rivers in north Louisiana; other hurricane protection improvements in lower Jefferson and Lafourche Parish; studies to improve access to Vidalia, LA, and other areas; countless projects, countless examples of important work.

Then last, but certainly not least, something we have been waiting on, working toward for 15 years and more, which is the Morganza to the gulf hurricane protection project to bring protection for the first time to a vital area just west of New Orleans, a populated area rich in culture, seafood, economic production, economic vitality. This project has been developed by the Corps over 15 years and more. It should have been in the last WRDA bill. In fact, it was in the last WRDA bill but is subject to a chief's report, and then the Corps of Engineers missed its deadline for that chief's report. That is finally being fully authorized, moving forward in an aggressive fashion because of this WRDA bill.

So again, in closing, let me say, make no mistake about it; this bill is vitally important for Louisiana, for our people, for our continued recovery, for our survival. But I don't want that to come across as some narrow or parochial concern because it does touch all of America in terms of impact. If our gulf coast is devastated in the future, gasoline prices will spike far more than 2 years ago. Our economy will be disrupted far more than 2 years ago, and, yes, FEMA and the Federal Government will have to spend even more than 2 years ago to deal with such a future disaster.

This WRDA bill is long overdue. It is fully justified. I thank Senator INHOFE,

Senator BOXER, and all of the committee again for their very hard work as we move forward and finally pass this into law.

I yield the floor.

Mr. INHOFE. Mr. President, first of all, I thank the Senator from Louisiana. He has been an excellent member of the committee. He has certainly been looking out after the very serious problems that exist even today in his State of Louisiana, problems that exist as a result of Katrina and other things that were happening before, such as beach erosion and other problems they have.

I also thank Senator BOXER. We joke around about this a little bit. We are kind of opposites in terms of philosophies, but we do come together in agreement on the process we use in determining what should be done for infrastructure in this country.

Now, I said just a few minutes ago that I have what some would think is a distinction, and some would question that, but I am rated anyway as the most conservative member of the Senate, and here I am standing up asking my colleagues to join me in overriding a veto that the President should not have made. I think if there are any discerning people who really want to know why, it is pretty heavy lifting to follow this through, but I think it is important to do that.

There are some things that work in government and a lot of things that don't work. My colleagues have heard me say this before when we were talking about the transportation bill, the fact that it is something that does work, where people who are using the transportation system are putting money into it. It comes from a trust account, and we make determinations as to how it should be allocated in accordance with the needs of the States, taking into consideration things such as highway deaths and things such as road miles and lane miles, and then make those allocations. Frankly, it works very well.

This is almost the same process, except these are water projects. Several people have talked about how it is overdue. Actually, this bill is 6 years overdue. We had the last one in the year 2000. We tried in 2001, 2002, 2003, and last year we came—we passed the bill on this floor, standing right here I can remember, and we thought it would be history by now, but the clock caught up with us and we didn't have time to get it out of conference and passed into law.

Now, I think if we look at this—I am going to make a statement a lot of people would not understand, but I am making this statement for my conservative friends. If you take away the authorization process from the way we do business down here, then it has to be done by appropriators. What we are talking about today doesn't spend a dime. You have heard people say it, and I felt the President, in his message, was a little misleading to imply that

this somehow is going to end up in more spending. It doesn't end up in more spending. It wouldn't matter what the amount of the bill is because what this does in this particular bill is it takes 751 projects, and it gives a maximum that can be spent on any project. If you go over the maximum, then you have what we call a 60-vote point of order which I will—I commit to standing up and invoking so we can't spend more money.

Now, it doesn't mean—if the total amount that you would add up in this bill is \$23 billion, it doesn't mean it is going to end up costing \$23 billion. That money has to be appropriated, and historically it has averaged out to about 70 percent of the projects. I have already said there are—what is the total number of projects in this bill—751 projects. Only 70 percent of those would get any funding, and then many of the rest of them will get funding at an amount far less than we are authorizing. We are saying you can go up to that amount.

Now, to understand this, I would like to kind of walk us through. It appears I will have time to do this because we don't have any more on our side who are planning to come down and speak. So the significant difference between authorizing and appropriating in the Senate is a long history, and it goes back to 1816. Let's start with the charts back there.

The responsibility of authorizing versus appropriating has been a debate that has been ongoing for a long time. What happened is, when they first created some 11 permanent standing committees, that happened in 1816 to handle legislative proposals.

At that time, they weren't really sure about authorizing and appropriating because the problem hadn't really come up yet—until 1867. In 1867, the Senate created the Appropriations Committee. It was the first step of the Senate to separate authorization and appropriations, saying that we should go through the process of authorizing before we appropriate.

In 1899, the Senate adopted a change to rule XVI to remove most of the appropriations bills from its jurisdiction because the Appropriations Committee was enacting policy on how Federal agencies internally operated. There is the difference right there. The first time that happened was in 1899. So the rule XVI, as we know it today, which gave birth at that time, said we should segregate the authorizing process from the appropriations process. Some Senators argued that the Appropriations Committee was legislating on appropriations bills, and the Senate directed that certain authorizing committees would handle appropriations legislation for the issues within their jurisdiction. And this diminished the role of the Appropriations Committee that had been established.

In 1922, the Senate changed course again and adopted another change to rule XVI. It is now rule XVI as we

know it today. Rule XVI says that if you appropriate money that is not authorized, it takes a supermajority 60 votes—instead of 51 votes. That may not sound like a big difference to a lot of people, but I assure it is a huge difference in passing legislation. So that restored the general appropriations back to the Appropriations Committee. However, they had the authorization committees to take care of the problems.

I will give you an example. The Armed Services Committee, on which I am honored to sit, is an authorization committee. I could use any number of examples. For example, I could talk about our F-22 vehicle coming up, and there are going to be people who don't really know that we need to have the F-22 because the F-15s and F-16s are inferior to some of the things Russia is making in their SU-30 and SU-35 vehicles. These are technical things that most of the Senators, if they are not sitting on the Armed Services Committee, would not know. Someone who didn't have the advantage of knowing why we should authorize different vehicles to defend America would have no way of doing it if they are just appropriators. So the example I use is a good one.

Right now, in the bill we are considering today, which is in conference—the Senate armed services reauthorization bill—with the House, it addresses the problem with a ballistic missile defense system. A lot of people aren't aware of it unless they sit on the committee, but there are three phases: the midcourse phase, the boost phase, and the terminal phase. There are two vehicles on the boost phase that are still in R&D. We don't have them yet. We are naked in order to try to knock down something in a boost phase. We have two ways of knocking down missiles in the midcourse phase, and we are working on two in the terminal phase.

I don't think there is anybody out there, after 9/11, who would not agree that we need to have this defense for America. That technology is there. If you are just an appropriator and not an authorizer, you would look at that and say: Wait a minute, we have six systems to knock down an incoming missile. So they may say we only need two; we can save X billions of dollars by only having two. But the problem is, as we all know, in the midcourse phase we don't know whether it is going to be within the range of a ground-based missile or where you can use an AEGIS missile fired off a ship. These are six technical systems that are necessary to defend America from an incoming missile. That comes from an authorization committee, not an appropriations committee. A lot of people, who don't have this information, are trying to knock down some of the money we are spending on missile defense. So I think that is probably the best example to use.

The same principle is true on my other committee, the Environment and

Public Works Committee. It applies to the bill today, the WRDA bill, the Water Resources Development Act bill. We review all projects and requests, and we make sure that every project of these 751 projects goes through a lot of scrutiny, and it has certain criteria that have to be met and an engineer's report from the Corps of Engineers.

I remember one time I cast a very unpopular vote—it was the right vote—several years ago when we had the Everglades Restoration Act, which passed 99 to 1. That one was me because it didn't meet the criteria. It didn't have the engineer's report and all that. A lot of people voted for it because they were afraid they could not explain their vote back home. I never had that problem.

We have all these projects that have gone through scrutiny, and when we finally pass the bill—which we have already passed and the President vetoed, and we are going to override the veto tomorrow—it will be reality tomorrow.

Here is what will happen after that. None of these projects we are talking about—sure, a lot of them are in Oklahoma, and a lot are in Colorado, and the Senator from Missouri talked about his, and the Senator from California will talk about things authorized in California. These have all met certain criteria. Very likely, when they come up—a lot of them—for appropriations, I will come down to the floor and oppose them. It doesn't mean I agree with everything we have authorized. We are just saying that thought has gone into it, they have looked at it professionally, it met the criteria, it has engineering reports, and we ought to authorize it and let the appropriators come in, and we can look at it closely to see if maybe we disagree with it. Right now, I can tell you that I was opposing appropriations to many things we authorized.

I can state it a different way. The only discipline we have in spending, I say to all these people who talk about earmarks, is the authorization process because if we take away the authorization process, we have no way of knowing, when the Appropriations Committee comes with a bill to the floor and says: We want to fund this, whether it meets the criteria.

So what we are doing with the bill we have passed and the veto that will be overridden tomorrow—so it will become law—is we are saying that we are putting in a maximum of 751 projects so that they cannot go over that amount. If they do—I make this commitment on the floor of the Senate tonight—I will be the first one down here to stand up and say I am going to invoke rule XVI to require a 60-vote point of order so that we will have discipline, and the appropriators are not going to spend more money than has been authorized.

That is a quick course. I don't expect that anybody will really understand it or believe it. I know in my heart that it is right and we have to have this

process. This fight that has been taking place between the appropriators and authorizers since 1816 is something that is necessary, and we have to protect authorization.

Let me bring up one more thing. If the President had never vetoed this bill—it doesn't make any difference because we are going to override the veto, and everybody has to know that. So this is kind of an exercise in futility. We have the bill; it is going to be reality. In the event that we are unable to override the veto tomorrow morning, that would mean we would not have an authorization bill. That means that any appropriator could come down here, or anybody else, and say we need to have this, and they could be swapping deals and meet no criteria whatsoever, and that is not the way we want to do it. So I see this as the only discipline we have for spending.

I have mentioned that I have the rating of being the most conservative Member in the Senate, and I do. But I also realize I am a big spender in some areas. One is national defense, and one is infrastructure. That is what we are supposed to do in this body. If you don't think there is a crisis out there in transportation—our roads, highways, and waterways—not very many people realize that in Oklahoma, we are actually navigable. We have a navigation way that comes all the way to my hometown of Tulsa, OK, the Port of Catoosa, where they can come up through Louisiana and up the Arkansas River, and right now we have a problem with that. We have a 12-foot channel, except for one small area that is 9 feet. That is a choke point. That limits what we can do.

If there is anything we need in this country—and all you have to do is drive on the highways and you see the cars and trucks going by and see how much worse the traffic is today than it was in the past. One of the great ways to relieve that traffic is to be able to utilize to a greater extent our navigation ways. I don't have the statistics with me, but you can carry three trainloads of stuff on a barge and move it actually cheaper, in many respects, into places. So in order to do the things the Senator from Missouri talked about in increasing the capacity to use these navigation ways, and even to my State of Oklahoma, it is something that is going to have a profound impact on the future of transportation in this country.

I don't think there is anybody who is so naive not to understand that we have a crisis in our transportation system. The traffic is worse every day, and I am sure each one of us—the 100 Senators who serve in this Chamber—gets hundreds of letters every day asking what are we going to do about the transportation system—not realizing that our action tonight will be a great relief to that problem.

I believe in building the infrastructure of this country, and I believe in the authorization process. I believe it

offers our only discipline on spending. I am sorry that a lot of conservatives don't understand this, and they believe this is a spending bill, when it is not. So as much as I hate to do this, I urge my colleagues on the Republican side to join me in overriding the President's veto of this very significant bill that each State in America needs.

Again, I know we are going to be seeing the chairman of the committee, Senator BOXER, soon. It is interesting that the committee called the Environment and Public Works Committee had the largest jurisdiction of any of the committees. Up until the last election and the new majority came in in January, I was chairman. Now Senator BOXER is chairman, and I am ranking member. We have worked together on this bill, and this is not something we have spent just a few hours or days on; we spent 6 years on it. We spent a lot of time looking at last year's bill to see what is relevant today.

Some of the detractors will say: Wait a minute, you have already authorized a lot of things that have not been appropriated. To that, I say you made my point. A lot of the things we are authorizing will not be appropriated. That fortifies the point that this should not be measured as a bill that is a \$23 billion bill or something that indicates we are going to spend all this money. This is a bill that is necessary in the process to offer discipline to our spending, and that is what we intend to do.

With that, I will retain the remainder of our time, in the event one of our Members wants more time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, today and tomorrow will be very special days for me here in the Senate because the Environment and Public Works Committee, led by myself and Senator INHOFE, comes forward united across party lines to lead the effort to override the President's veto of the Water Resources Development Act, a bill that will authorize the projects and policies of the Civil Works Program of the Army Corps of Engineers.

I wish to thank Senator INHOFE for his kind comments and say that I think everybody knows that when it comes to the environment, Senator INHOFE and I don't exactly see eye to eye. But when it comes to building the infrastructure of the United States of America, taking care of the needs of our communities, making sure there is flood control, that we can move goods because we need to dredge so many of our port areas, when it comes to making sure we have recreation areas, and,

yes, that we do the kind of environmental restoration that will help us with flood control—for example, restoring the great coastal wetlands of Louisiana—we can and do work together.

Yesterday, the House voted 361 to 54 to override the President's veto of this critical legislation, giving us in the Senate the opportunity to make this bill the law of the land by our vote tomorrow. I note it is very rare that we have successful veto overrides. Why is it? Because in their genius, our Founders said we need quite a supermajority to do that. So it is rare, indeed, when we have a strong vote such as this to go against a President of either party, and I have served with four from both political parties. The signal it sends to the executive branch, in a moment such as this, is we are asserting ourselves as representatives of the people. We are saying: Mr. President, we shouldn't have to have a fight about this. This is something we should work on together. When we did pass the conference report, I remember asking the President rhetorically: Do we have to fight about everything? I don't think we should. Senator INHOFE and I can set aside our differences to work on this bill. It seems to me we represent basically the entire philosophy from one end to the other, and it seems to me we should have had the support of the executive branch.

Today and tomorrow are also special days for the many people and communities across our Nation that have waited so long for this time to come, for this important legislation to become law. Indeed, when we finally accomplish this tomorrow—and I pray we do—it will be 7 years in the making, 7 years since we actually had a Water Resources Development Act. That is too long to wait.

I say to all the communities across our great country waiting for desperately needed flood control, such as New Orleans and the gulf coast, such as Sacramento in my State of California, where 300,000 people are in jeopardy should there be a flooding problem, I say to all of you: The wait is nearly over and help is on the way.

Again, I thank my ranking member of the Environment and Public Works Committee, Senator INHOFE. We do share a commitment to shoring up our Nation's infrastructure, including its water resources. On some issues, as we know, we do not stand shoulder to shoulder, but on this issue, we have stood shoulder to shoulder to get the work done, and I think we will stand shoulder to shoulder in the future, as well as look at other infrastructure needs in our States and communities.

I also thank the Transportation and Infrastructure Subcommittee chairman and ranking member, Senators BAUCUS and ISAKSON. They have been a very important part of our team helping to put this package together.

Unfortunately, despite the bipartisan nature of this critical infrastructure investment and despite waiting 7 years,

the President decided 7 years was not long enough and he vetoed the bill. I tell you the truth, I still cannot believe it. I know many of my colleagues on both sides of the aisle spoke with the President and said to the President: Please understand, Mr. President, this is not an appropriations bill, this is not a spending bill, this is an authorization bill. Anyone who wants to learn more about that simply read the record of what Senator INHOFE—if not the most fiscal conservative member, certainly one of the most in this body—said about this bill.

This bill is an authorization bill, and every single project has to go through the rigors of the appropriations process. But what we have to do is give the Corps the ability to complete repairs to levees, flood walls, and pumps that failed to protect the lives and property of those in New Orleans.

Remember when the President spoke in Jackson Square in September 2005 and he offered a pledge to the American people. This is what he said that night. I remember the eeriness of the scene, where the President had come out of the darkness because there was no electricity in New Orleans, and the lights were lighting him. It was, in a way, a touching moment.

What the President said was important. This is what he said:

Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes to help citizens rebuild their communities and their lives.

I do believe when you say that, you need to mean it. We will do what it takes. Yet we had tonight Senator LANDRIEU and Senator VITTER, both representing New Orleans and Louisiana and representing their people with great emotion and great conviction, begging for this bill because this bill will help make Louisiana whole.

I traveled to New Orleans with several members of the committee to conduct a field hearing this year. Seven Senators were on that trip, a clear indication of how important protecting New Orleans and the gulf coast is to the Members of this Senate. We saw the needs of the New Orleans area, but we also saw the hope and the optimism of the people and the community leaders that the Federal Government would, in fact, keep its commitments.

This bill makes our promises real. This bill makes the promises of the President of the United States real. This misguided veto only created further delay, and I beg my colleagues on both sides of the aisle to listen to Senator INHOFE, to listen to Senator VITTER, to listen to Senator LANDRIEU, to listen to my words tonight.

WRDA also contains the authorization for Louisiana's Wetlands Restoration Program, wetlands that are critical to protecting south Louisiana from hurricanes and improving the environment.

Before I talk about the critical flood threat facing Sacramento in my State of California, I wish to talk a little bit

about Florida, and then I am going to yield 5 minutes to Senator NELSON.

Not only did I get to go to New Orleans, but I got an amazing invitation from Senator NELSON. Let's just say it was more than an invitation; it was a strong urging. It was a begging. It was so important to Senator NELSON that I certainly could not say no.

I went to see the Everglades with my own eyes. My husband came with me and Senator NELSON and his wife Grace greeted us there. We went out on a tour of the Everglades which we will never forget.

I can tell you the beauty of that place is most extraordinary. It is just extraordinary. As Senator NELSON will explain much better than I, we have an area that is in crisis. We have a window in which we must act to make sure the water flows into the Everglades to keep it alive, the river of grass.

One of the lasting memories of that trip as we went out and dusk fell and we were out and we saw the alligators out there, we saw what appeared to me—and, of course, Senator NELSON had seen this—I think he got more pleasure watching my face as I thought all of a sudden we were in a meadow. I almost thought: How could this boat actually be moving in a meadowland? It was not a meadowland. It was this river of grass.

We saw wildlife actually jumping out of this river of grass onto trees. It was a spectacular moment. I thought, God has given us this gift, and it is our obligation, it is our duty, it is our responsibility to make sure others get to see this gift.

At this time, I am happy to yield 7 minutes to Senator NELSON and I look forward to his remarks. I reserve my time.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

Mr. NELSON of Florida. Madam President, as the Senator from California has been describing her experience, I have been enjoying enormously not only her reflection of that experience but remembering seeing the faces of Senator BOXER and her husband as they saw these new experiences of gliding in an airboat over a sea of grass that Marjory Douglas called river of grass.

As we came to the edge and went into the big cypress preserve where cypress stands, clumps of large cypress trees dotted the landscape, as the Senator explained, it was getting close to sundown. As the light lowered, as you were gliding over this meadow of grass, it looked exactly like that until suddenly you were shocked into the reality that there was a doe and her fawn as they were bounding, not over the meadow but sloshing through the water as they headed toward the clump of cypress trees.

It is now our responsibility to protect and preserve this national treasure—indeed, an international treasure—for the generations to come. It was 60 years ago that the Everglades

National Park was created by an act of Congress and President Harry Truman signed the bill into law. The Senator at whose desk I now reside was then a young Member of Congress, Senator George Smathers, who helped bring that Everglades National Park 60 years ago, in December of 1947, into fruition.

Now we sit here on a momentous occasion. In order for us to continue to try to protect this national and natural treasure, we have to overcome a Presidential veto. It is important not just to our State but so many States because of these water projects, because the last time we had such a law that authorized these water projects was back in 2000.

What that plan did in 2000 in an Everglades restoration plan, created after years of study and analysis, was to try to restore the Everglades to something of what nature intended. But we couldn't do it like nature had it because a huge portion of the south part of the peninsula of Florida was the Everglades. Decades later, it is so different because there are 6 million people living in South Florida, there is a major agricultural industry, and in the intervening half century, mankind has come in and diked and drained the natural flow of the water in a way Mother Nature never intended. So what was passed—the Comprehensive Everglades Restoration Plan in 2000—was intended, given the changes in the population, the agriculture, and the existing diking and draining, to restore as much of that to the natural function that Mother Nature intended so we could preserve the Everglades.

The bill we have in front of us contains two restoration projects that have undergone painstaking planning, design, and development, and they are ready for construction. But we can't get them constructed until we can get them authorized. The Indian River Lagoon and the Picayune Strand are vital projects—together worth \$2 billion—in increasing the water quality and maintaining and preserving the natural areas to reverse the decades of damage and neglect.

So 7 years after the creation of this plan, a plan that has been on hold because the Federal Government has faltered in its commitment to restoration of this national and natural treasure, it is time for us to get on and approve this bill, unfortunately, by overturning the President's veto.

The biggest threat now to the restoration of the Everglades—thanks to folks such as Senator BOXER and those beyond the boundaries of Florida who are finally understanding how important it is—is the delay. We made a promise 7 years ago, and we are going to finally fulfill that promise. It is a partnership between the State of Florida and the Federal Government. We committed ourselves then to the largest restoration project in the world, and when we pass this legislation, despite those who have tried to detour it, the Federal Government will have



made a significant step in living up to its commitment.

So with this victory close at hand, let me remind my colleagues there are many more battles we are going to have to fight in the future to save the Everglades. But, Madam President, it is my pleasure to stand here to support Senator BOXER in this vote to override the President's veto.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. There remains 21 minutes 50 seconds.

Mrs. BOXER. Madam President, before Senator NELSON leaves the floor, I again thank him for bringing me into this entire plan. I am glad I could be of help in saving the Everglades, and I think he has support on both sides of the aisle.

There was an amazing story in the New York Times the other day about the Everglades and how we have to act. Madam President, you are one of the best environmentalists I know, and you know the window is closing for us on so many projects. We need to move now or it is too late. Once damage is irreparable, there is nothing more we can do. So I praise my friend, Senator NELSON.

I also say that his whole family is dedicated to this issue. When I went out there and saw the love his family has for this area, the understanding they have, and how the whole community has been brought together by Senator NELSON, I think this is a seminal moment for his career because what we are doing is so critical. And as he points out, we can't move forward unless we have this authorization.

The fact that we have to override a veto is sad. I mean, it is adding more time that we are losing. But I am hopeful that tomorrow, sometime perhaps even before noon, when the votes are taken, this bill will be the law of the land, and we can go back home and tell people we have, in fact, reached across party lines and done something for them, notwithstanding the President's objection.

So I thank Senator NELSON. And, Madam President, I am going to yield 7 minutes to Senator MURRAY, but before I do, I want to talk about one particular project that is in this bill for California.

We have many in here, but I think it is important that people understand when we looked at this bill, we looked at so many serious problems, where lives are at risk, and one place that is true is in the Sacramento region of California. As you know, that is our capital. This conference report, this important bill, allows the Corps of Engineers and the Bureau of Reclamation to complete the necessary modifications at the existing Folsom Dam in California so we can protect 300,000 residents of Sacramento and the capital itself from horrific flooding.

Madam President, imagine 300,000 people living in a very precarious situation. The capital itself is in a very

precarious situation, and we know we can make it safe. That veto left our citizens at risk. But, hopefully, tomorrow we will change that.

Sacramento is not only the capital of California, where we have 37 million people and growing, but it is also America's largest metropolitan area with less than 100-year flood control protection. So, again, it is America's largest metropolitan area with less than 100-year flood control protection. And for those who don't know what that means, we mean a flood that comes once in 100 years. That is what you have to plan for when you have so many people in harm's way.

Statistically, Sacramento is four times as likely to be devastated by flooding than New Orleans was. Sacramento is situated at the confluence of two great rivers, the American River and the Sacramento River. The Sacramento River is born in the Southern Cascade Mountain Range, while the American River originates in the High Sierra. The city sits in a low valley, in a low valley where these two rivers meet.

This large floodplain is one reason California has such productive farmland, and we all benefit from that. It is beautiful farmland. But as a result of growth, the Sacramento metropolitan area is now home to nearly half a million people and contains 165,000 homes, 1,300 government facilities, including the State capitol, and businesses providing 200,000 jobs. A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in our State, cause up to \$15 billion in direct damages, up to \$30 billion in total economic loss, and we can't even put a pricetag on the loss of life.

In our State, we know about flooding, we know about fires, and we know about earthquakes. I know, Madam President, in your State you have gone through many natural disasters as well.

In 1986, as a result of storms, 13 people were killed, 67 were injured, 1,300 homes were destroyed, and 967 businesses damaged—the total damage cost over \$400 million.

In 1997, 8 people were killed, 23,000 homes destroyed, and 2,000 businesses destroyed or damaged—the total damage was \$1.8 billion.

As the capital of the world's fifth largest economy, no one can deny it is important to protect the Sacramento region.

I would simply say, in this bill we are taking care of this problem, and I want to thank the House for their strong support, particularly DORIS MATSUI and the late, wonderful Congressman Bob Matsui, who really got us started on this project. We are going to do the right thing for Sacramento. It means everything to our State.

We also have many other important California projects in the bill—the revitalizing Los Angeles River, restoring the Salton Sea, critical flood control

projects, and dredging and navigation projects all throughout our communities. So this bill is really an economic lifeblood for California. It truly is. It is also a matter of life and death for our people.

So today is a moving and a touching day. We did in about 8 months, as we took the gavel, what hasn't been done in 7 years. It is a prideful moment but much more important than that; it shows we can reach across party lines. It shows we can work together across State lines. It shows we can work together between the House and the Senate. This moment is about to come, and it is going to mean a great deal to the people of our country.

Madam President, I yield 7 minutes to my dear friend from Washington State, Senator PATTY MURRAY, who has been such a leader on these issues and many others.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from California for the tremendous work she has done on this critical bill that supports the infrastructure across the country and for her diligence in keeping to the task to make sure we are finally here at this point where we are just a vote away from having this signed into law.

Madam President, I wanted to come to the Senate floor tonight to urge the Senate to override the President's very shortsighted veto of this Water Resources Development Act. This is a bill that, as the Senator from California said, renews critical flood control, navigation, and water quality projects that are important across the country but are important in my home State of Washington as well.

This bill ensures our waterways can continue to be used to move goods. It helps restore our beaches and our wetlands, which are important to our coastal communities, and it makes sure we are protected from catastrophic floods. These projects in this bill are essential for our economy. And as we saw with Hurricane Katrina, they can also be a matter of life and death. That is why I was astonished that President Bush vetoed this bill.

More than 2 years after Katrina flooded 80 percent of New Orleans, destroyed coastal Mississippi, and killed 1,600 people, I couldn't believe the President said no to this bill. Even after he failed to respond to the devastation on the gulf, he is now standing in the way of projects that will protect the people of that region. Madam President, 81 Senators approved this bill in October because we understood our responsibility to invest in these important projects that provide for public safety and that keep our economy healthy.

The President's veto is another example of his misplaced priorities. Throughout this year he has been insistent on playing political games at the expense of our Nation's economy and our health and safety. So, again, I

urge our colleagues to override this veto and show the President he got it wrong.

I know most of the Senate agree it is critical for us to address these issues now. This bill will help us avoid another catastrophe such as we saw in New Orleans, and it will help ensure our environment and our economy stays healthy.

Too many years have passed since the Water Development Resources Act was reauthorized. It is 5 years overdue now, and the needs are piling up. I again thank Senator BOXER and Senator INHOFE because their leadership in the first year of this Democratic-controlled Congress made sure that this bill did finally get to the President.

The tragedy in New Orleans provided a dramatic example of how necessary this bill is, but there are hundreds of communities across the country that have been waiting for years for Congress to act on this bill and ensure that these vital projects finally get started.

WRDA creates a national levee safety program and ensures thousands of miles of levees across the country will get a general safety inspection. It enables the Federal Government to act quickly on critical flood control projects, and it helps our local communities prepare for damaging and deadly floods.

This bill is also about economic development. It ensures that shipping can continue on our waterways and helps us to move everything from wheat to cars to wind turbines from port to port. And it is about making sure our lakes and our beaches are clean and safe. It protects our environment and promotes recreation and it provides jobs.

By vetoing this bill, the President said no to the communities that have been waiting for years to go ahead with these critical environmental, safety, and economic development projects. And, Madam President, some of those communities are in our home State. From shipping, to boating, to fishing, our waterways in the Pacific Northwest are vital to our way of life. That includes, by the way, a major shipping route on the Columbia River, with container ships and bulk carriers and tankers and car carriers that travel back and forth, as the Presiding Officer knows, carrying goods in, and shipping lumber and grain and countless other products out.

So it is vital to the economy of our region the Columbia get regular dredging and maintenance. This bill, the WRDA bill, lifts restrictions on the number of days Federal dredges can operate to make sure that happens. And it helps our region in a number of other ways too. This bill gives the Corps of Engineers another tool so they can eliminate that huge backlog of permit applications for people who are trying to do everything from building piers to expanding ports. That will save our local governments millions of dollars.

By vetoing this bill, the WRDA bill, the President essentially said no to the

economy, to the safety, and to the environment in my home State of Washington.

Sadly, the Water Resources Development Act is not the first important and bipartisan bill this President has blocked. It happens to be the fifth. Besides this bill, President Bush has vetoed children's health insurance; life-saving stem cell research, twice; and our efforts to change course in Iraq and bring our troops home. He has, by the way, threatened to veto many of our appropriations bills. He says he objects to our spending bills because they invest \$22 billion more than he asked for.

President Bush is pretty happy to talk about pork and complain, but what he will not do and has not done yet is tell the American people what he wants to cut. Would he cut health care funding? Would he cut the money to build our deteriorating bridges and roads? Maybe he would cut investments to the FBI or the DEA. Perhaps it is the millions of dollars of funding we have in these bills for job training or education that he objects to. We don't know because he would not say.

But he ought to know this. We stand by these important investments because our bills ensure our roads and our bridges and our airports and our railways are in good and safe condition. They ensure our kids can see a doctor. They ensure we can do cutting-edge research so we can find cures for diseases such as diabetes or MS. But as we have seen, the President has insisted on blocking these ideas and priorities and keeps repeating his apparent favorite four-letter word, which is "veto."

Instead of investing in our communities, he has continued to play political games. Instead of progress, all we have gotten are vetoes. I hope it is time for us to send a message to President Bush: We are not going to stand idly by and watch you veto these investments in our communities. I hope our colleagues override this veto on this important legislation, and I believe by standing together, as our friends in the House did, we can send a strong message to him about who has the right priorities for America. I hope by doing this we can finally unite with our Republican colleagues in choosing a new course for the other important bills—the children's health bill, all of our appropriations bills, even the stem cell research bill.

I think it is time for Congress to turn a page on the President's obstruction. This is the first step. I hope there are more to come. As I have said before, and I will say it again now, people around this country are eager for a change. They want to see a light at the end of the tunnel, and we want to make sure the President does not put out that light.

I yield the floor.

Mrs. BOXER. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 7 minutes 17 seconds.

Mrs. BOXER. Madam President, I thank the Senator from Washington. I think what she did in her presentation is give a message of hope. I think this is a signal, this vote tomorrow. It is a signal we can work together across party lines to get things done for the good of the American people. People want to see that and they are going to see it.

The President said this bill lacked fiscal discipline. He doesn't realize, I guess, it has been 7 years in the making. We used to do these WRDA bills, these water resources bills, every 2 years. So there has been pent-up demand, the normal pent-up demand in a country that is growing, whose economy is growing, that is importing more and exporting more goods. Of course we are going to have a pent-up demand.

Then, when you put on top of that the disastrous consequences from Katrina and Rita and the fact that we are getting more floods and we are having more problems, you realize this bill is a very fair and defensible one. Again, as Senator INHOFE said, we don't spend a dime. This is an authorization bill, the first step in bringing Federal resources and expertise to a project that is developed at the local level.

Every one of these projects is brought to us from our communities. That means the communities are willing to put up funds and our funding is so important because it spurs on these projects.

I think what is sort of getting to the American people is the fact that, as the President says, a bill such as this, which is an authorizing bill, is too large. He seems to have a blank check for ventures overseas—\$12 billion a month is going out the door, \$12 billion a month for the wars in Iraq and Afghanistan. This bill equals literally 2 months of that funding. It has taken us 7 years.

Put it into perspective. This bill that authorizes all these important flood control projects, navigation projects, recreation projects, environmental restoration projects—all these bills add up to 2 months in Iraq and Afghanistan.

Then we read on the front page of the Washington Post the other day that the administration is paying millions of dollars to fix a dam in Iraq. I am all for that. I don't want to see anyone hurt in Iraq. But I don't want to see anyone hurt in Sacramento or in Seattle or in New Orleans or in any of the towns in Mississippi. I don't want to see us lose the Everglades. The fact of the matter is, I think the President is on weak ground in vetoing this bill that is so important for the public works of the country while spending so much on the public works of countries abroad.

This is an investment in America we will be making tomorrow morning, if all is well, and we see that same kind of vote we had the last time. We can stand tall and proud. Seven years is too long a wait for a bill that authorizes essential programs, such as navigation,

flood control, ecosystem restoration—but we are ready to go. I think this bill meets our communities' needs. Some of them are unmet needs. Some of them are acute needs.

Make no mistake, the projects that are authorized in this bill that I hope we will again pass tomorrow—again I hope we will override the President's veto—are going to protect thousands of homes and the lives of millions from catastrophic flooding. It is going to help us restore wetlands, estuaries, and rivers of our Nation—places where wildlife thrives and our families go to enjoy the outdoors.

Indeed, as hunting, fishing, boating, camping, and other outdoor industries boom, this bill is an important part of keeping our recreation economy thriving.

It also says, yes, our ports need attention. The waterways need to have capacity. We need to make shipping easier, safer, and efficient, so it keeps the economy moving. So much of our economy is dependent on water resources. Our ports and harbors are the gateway to the world. Our manufactured goods, such as autos and computer chips, move through those ports. Our agricultural goods, such as grains, wines, and fruit, pass through our ports and harbors to be sold around the world. Goods come in and they get distributed to the entire country. We are talking about thousands of jobs. We are talking about moving goods. We are talking about recreation.

We are talking about 360 million visits a year to our lakes and our beaches and other areas; 25 million people visit a Corps project at least once a year and that generates 600,000 jobs.

Let me say, tomorrow or later tonight my colleagues may hear some complaint about the fact that we didn't do enough Corps reform. I wish to say Members on both sides of the aisle spent a great deal of time on this issue. Senator FEINGOLD has been a prime mover in this area, and I greatly respect the work he has done, but I have to say, as I have said to him, I know he wants more. But we went a long way. This is a good package. We have a truly independent review process. I think we actually made that independent review process more independent. We have outside experts, free of political pressure, coming in and examining all aspects of the environmental, economic, and engineering components of a project study. These panels will be able to receive and evaluate public comments. The panels will be available to advise the Corps throughout the entire development process.

The bill requires the first updates of the Corps planning principles and guidelines since 1983, when President Reagan was in the White House. The bill will make the Corps mitigate the impact of its projects the same as any other party and make sure mitigation is done in kind, up front, and not as an afterthought.

We included safety assurance reviews, increased watershed planning,

authorized a levee safety assessment program, and expedited the deauthorization of the backlog of unconstructed projects.

But Senator FEINGOLD still believes we should have done more. Frankly, I would love to do more, and I will work on this in the future. But we went as far as we could go. We cannot make the perfect the enemy of the good. I find myself saying that over and over around here. We have to do good work. The only perfect work is the work each of us wants to do.

I know what is perfect. Senator CANTWELL knows what is perfect. Senator INHOFE knows what is perfect. If we write our own bill, to us it is perfect. But we have 100 of us, 100 different "perfects." It means we have to reach across the aisle and work together.

I say to Senator FEINGOLD, even though he is not on the floor today, thank you for your leadership, but please reconsider your opposition. Vote with us on the override. We have gone a long way. We have acted in good faith, and we will continue to work with you in the future on so many of the important reform issues you bring to this floor.

Tomorrow is a very big day for me as chairman of the committee, for Senator INHOFE, who actually started this bill when he had the gavel. He brought it pretty close to being the law, but we didn't quite get it over the line. He has worked with me as a solid team member.

I think it is going to be a great day for the Congress. I think it is going to be a great day for the Constitution. What we are saying: Mr. President, we are elected too. We count too. The American people vote for us too. When so many of us tell you we believe strongly that we need to meet the infrastructure needs of our country, we hope you would come to the table. This time you chose not to do so. We hope in the future you will join us.

It is a great day for the Constitution. The Framers of the Constitution foresaw this. They said: If you have an executive who decides to veto something that is a crying need in the Nation, and everybody agrees—67 of us, or two-thirds of those present and voting, can override a veto. Tomorrow is going to be a great day for the health and safety of the people of my State of California, of the United States.

I look forward to coming to the floor tomorrow. I think Senator INHOFE and I will divide 15 minutes, and we will, once more, lay out in shorter form why we think it is essential to override this ill-advised veto.

Madam President, thank you so much for your consideration, and for your work on this bill.

Mr. VOINOVICH. Madam President, I rise in support of the Water Resources Development Act conference report.

It has been 6 years since Congress last passed a water resources and development reauthorization bill. The time has come to finally pass this im-

portant legislation. I am very disappointed that the President has vetoed this bill.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

Our physical infrastructure is a critical piece to making America more competitive. Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure of competitiveness so that future generations have at least the same opportunity to enjoy our standard of living and quality of life. If we continue to ignore the upkeep—the deterioration of our locks and dams, flood control projects, and navigation channels—we risk disruptions in waterborne commerce, decreased protection against floods as we saw in Katrina and other environmental damage.

Additionally, I am pleased that this bill includes many provisions that will benefit the Great Lakes. First, there is authority for the Corps to deal with a very serious threat facing the Great Lakes. Asian carp are just miles from the lakes, and the only thing standing in their way is a temporary dispersal barrier in the Chicago Ship & Sanitary Canal. This bill authorizes the Corps to complete construction of Barrier II which is the permanent barrier as well as to convert Barrier I into a permanent facility and to operate and maintain both dispersal barriers at full Federal cost. Under this authority, the Corps would study options for hydrologic separation of the canal and the Great Lakes while maintaining the movement of cargo and recreational vessels.

This bill clarifies that any reconnaissance study under the Great Lakes Fishery & Ecosystem Restoration program is to be performed at full federal expense. The Great Lakes navigation system has been associated with impacts on Great Lakes fishery resources, and the purpose of the Great Lakes Fishery and Ecosystem Restoration program is for the Corps to cooperate with others to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. When Congress authorized this program initially, the intention was for the Corps to develop projects under this authority just like other programs. That means that the reconnaissance study is to be a fully federal expense, and cost-sharing is required for subsequent study, engineering, design, and construction.

This bill reauthorizes the Great Lakes Remedial Action Plans and Sediment Remediation and the Great Lakes

Tributary Models Program. These are two programs that allow the Corps to provide assistance for controlling the source of sediments and to identifying specific actions to resolve pollution problems.

Also contained in this bill is authority directing the Corps to expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation. The Corps has a huge backlog of work, and that backlog includes the Great Lakes. Freighters are getting stuck in shipping channels, other ships are carrying reduced loads, and some shipments have simply ceased altogether. The Corps estimates a backlog of 16 million cubic yards of dredging at commercial Great Lakes harbors and channels, which the Army Corps expects will cost about \$192 million to address. In order to help address this backlog, the Corps will be authorized to expedite this work.

Lastly, this bill allows the St. Lawrence Seaway Development Corporation to carry out much-needed repairs, including maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the St. Lawrence Seaway. Unfortunately, like many of our infrastructure projects, we have not done much upkeep of the St. Lawrence Seaway. This bill will allow for those improvements to be made at a total cost of \$134,650,000.

The passage of this WRDA conference report cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

Mr. President, I urge my colleagues to override the President's veto.

Mr. FEINGOLD. Madam President, I will vote to sustain President Bush's veto of the Water Resources Development Act. The President's veto of the WRDA bill is a welcome opportunity for Congress to modify the flawed, bloated bill. Instead of overriding the veto, Congress should be taking this opportunity to fix the bill.

For 7 years, I have worked with Senator MCCAIN and many of our colleagues to achieve essential reforms of the Corps of Engineers, and have long anticipated the day that meaningful reforms are enacted. Unfortunately, during conference, the Senate's strong Corps reform provisions were significantly watered down. Instead of the reform bill that the country needs, this bill is simply the latest example of business as usual.

After a decade of Government and independent reports calling for reforming the Corps, and pointing out stunning flaws in Corps projects and project studies, and after the tragic failures of New Orleans' levees during Hurricane Katrina, the American people deserve meaningful reforms to ensure that the projects the Corps builds are safe, ap-

propriate, environmentally responsible and fiscally sound. The urgency and necessity could not be clearer.

A critical component of reforming the U.S. Army Corps of Engineers is ensuring independent review of significant Corps projects. This bill provides review but does not ensure it is truly independent.

I will continue to push for Corps reforms that ensure fiscal responsibility, accountability, public safety, and environmental protections. This means ensuring that Americans' tax dollars are spent on the most important priorities, not just on Members' pet projects. Earlier this year, I was joined by Senators MCCAIN, COBURN, CARPER, GREGG, SUNUNU, and DEMINT in offering an amendment to form a commission of non-Federal, water resources experts to provide Congress recommendations on a process for prioritizing Corps projects.

However, the Senate defeated this effort. I can only conclude that many of our colleagues think the status quo is acceptable. To me, there is nothing acceptable about a \$58 billion backlog (soon to be \$81 billion) of authorized but unfunded projects. Some of my colleagues have argued it is okay to authorize \$23 billion in projects, because WRDA only authorizes projects and does not appropriate funds. This approach shirks our responsibility as elected officials. By authorizing WRDA projects, Congress is indicating these projects are worthy of funding and that taxpayer dollars should be committed to these projects. Unfortunately, without some way of prioritizing and with a limited annual construction budget of around \$2 billion, our Nation's critical infrastructure and restoration projects—and the American people who depend on these water resources projects—will suffer.

The President did the right thing when he vetoed the WRDA bill and I am disappointed that Congress is determined to override that veto. My colleagues would be better off if they listened to people like Mark Beorkrem, a true Corps reform champion. Mark recently passed away, but his 20 years of advocacy on behalf of the Mississippi River and reforming the Corps of Engineers will have profound and lasting effects on the health and vitality of the Mississippi and rivers across the country. Most recently, Mark played a pivotal role in ensuring the inclusion of a comprehensive ecosystem restoration component in the Corps' Mississippi River lock expansion project. He also provided leadership within the national Corps Reform Network, as well as the Sierra Club, sharing his knowledge and passion for environmental protection and restoration. The Mississippi and many of our Nation's rivers and wetlands are better off thanks to Mark's tireless efforts. We should be guided by his example.

I urge my colleagues to support the President's veto of the WRDA conference report, and I ask unanimous

consent to have printed in the RECORD newspaper editorials on this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 2007]

FISCAL PLUNGE, A VETOED \$23 BILLION WATER BILL IS NOT WORTH SAVING

Ah, the theatrics of Washington. On Friday, President Bush vetoed the Water Resources Development Act (WRDA), a bill that would authorize \$23 billion in spending on water projects by the Army Corps of Engineers. Lawmakers of both parties were critical. Senate Majority Leader Harry M. Reid (D-Nev.) said that the veto shows "President Bush is out of touch with the American people and their priorities." According to Mr. Reid, one of 81 senators to vote for the WRDA (it passed the House 381 to 40), the bill would "strengthen our environment and economy and protect our natural resources" and fund projects "essential to protecting the people of the Gulf Coast region" from hurricanes. The veto is "irresponsible," Mr. Reid declared.

After almost five years in which he did little to check the spending of a Republican-controlled Congress, Mr. Bush is a bit late in trying to recover his party's reputation for fiscal conservatism. But even discounting for the White House's political posturing, this is hardly an example of an "irresponsible" veto. To the contrary, that word might better be applied to the WRDA itself. The bill would indeed authorize about \$1.9 billion for coastal ecosystem restoration and protection in Louisiana to help the state rebuild its defenses against hurricanes. The president supports that; he just thinks that Congress could have authorized it without also larding on billions of dollars worth of economically and environmentally questionable projects. And he's right: After all, the Senate and the House versions of the legislation tipped the scales at \$14 billion and \$15 billion, respectively. Then, in conference committee, lawmakers added more pet projects to bring the total up to \$23 billion.

The silver lining in the bill is that it takes some tentative steps toward reforming the Army Corps, providing for independent review of projects worth more than \$45 million. But this modest change is much weaker than what the overhaul reformers in the Senate had advocated. Thus Mr. Bush's valid concern, expressed in his veto message, that the WRDA "does not set priorities" among the \$58 billion in projects authorized in past bills. Indeed, though it has a high nominal price tag, the WRDA only promises projects, essential and otherwise, that have to compete for the \$2 billion the Army Corps spends each year. So the WRDA is largely a hollow political exercise. Given the overwhelming margins by which both houses passed the bill, though, Mr. Bush's veto is almost certain to be promptly overridden. This time, Congress's empty gesture will trump the president's futile one.

[From the Washington Times, Nov. 6, 2007]

SCANT RESOURCES

This week's anticipated veto override by Congress on a water-projects spending bill will allow \$23 billion in unfunded mandates, codifying a pork-laden plan that, for the most part, will not come to fruition. Ironically, these members of Congress who have given overwhelming approval of the bill and are poised to overthrow President Bush's veto are highly unlikely to actually set aside real funding for the bill when it comes time to parcel out appropriations.

Congress gave landslide approval for this bill (81-12 in the Senate and 381-40 in the

House) to grant the \$23 billion for some 900 projects by the Army Corps of Engineers and yet they failed to back up the mandates with actual funding. This makes the political theater all the more an empty charade, with Mr. Bush finally chastising Congress for its lack of fiscal restraint and members of his own party lampooning his efforts.

The Water Resources Development Act adds to the backlog of mandates the corps will ostensibly be handling—\$38 billion by Mr. Bush's count and \$58 billion by Taxpayers for Common Sense. It is puzzling that Congress would continue to add to this burden when historically Congress allocates a mere \$2 billion per year for new corps construction projects. It seems most members relish the opportunity to send out a crowing press release in their home district about a hard-fought earmark that has fat chance of ever improving the quality of life for their constituents.

The bill lacks the prioritization needed to ensure vital projects are completed first. However, this is not new—pork projects continue to dilute the corps' spending power as it spreads itself too thin. This was apparent in Louisiana, a state that by far has enjoyed the most in corps appropriations (some \$1.9 billion in the last five years to second-place California's \$1.4 billion). Yet, rather than placing high priority on projects like the levees prior to Hurricane Katrina, funding instead went to an unjustifiable navigation canal lock project and the low-trafficked J. Bennett Johnston Waterway.

An odd set of bedfellows have urged oversight and belt-tightening on the water projects, from Sen. Russ Feingold, Wisconsin Democrat, to the earmark watchdog Republicans Sen. Jim DeMint of South Carolina and Rep. Jeff Flake of Arizona. While their logical stance will be dismissed, the consolation is most of the projects in this earmark-laden bill won't see the light of day.

[From USA Today, Nov. 7, 2006]

**OUR VIEW ON FLOOD CONTROL: DESPITE KATRINA, BUSINESS AS USUAL ON WATER PROJECTS. INSTEAD OF SETTING PRIORITIES, CONGRESS PILES ON THE PORK.**

Suppose you need a new car. You want to spend \$14,000. Your spouse argues for \$15,000. Then you go to the showroom and you compromise—by driving away in a \$23,000 vehicle.

Add six more zeroes to each figure, and that's basically what happened in Congress to the first legislation since 2000 to authorize new water projects. The Senate approved \$14 billion, the House approved \$15 billion and they "compromised" on \$23 billion.

This bloated package—everything from dams and levees to sewage treatment plants and beach restoration—is, of course, an exercise in local greed and political clout. Neither is going away any time soon. But in its ham-fisted grab for the money, Congress also managed to ignore lessons taught so painfully by Hurricane Katrina.

It may complete the folly this week if the Senate, as expected, follows Tuesday's House action and overrides a richly deserved veto by President Bush.

For decades, lawmakers have authorized water projects less on the nation's needs than on their own need to bring home federal dollars and get re-elected.

In the process, the Gulf Coast was made steadily more vulnerable. Projects to tame the Mississippi's flow and turn it into a lucrative shipping channel degraded marshes and swamps that had long protected New Orleans from storm surges. Katrina blew past the vanishing buffers, pushed water up a man-made channel and overwhelmed ineptly built federal levees.

While the \$23 billion measure authorizes projects designed to mitigate such blunders—strengthening New Orleans' levees, for instance, and starting to restore the Louisiana coastal wetlands and Florida's Everglades—it also includes an assortment of dubious ones, on the Gulf Coast and elsewhere: \$131 million to deepen Louisiana's Port of Iberia, even though the project failed a government cost-benefit analysis. After that, Sen. Mary Landrieu, D-La., made sure the calculation was redone.

\$2 billion to expand Upper Mississippi River navigation locks to accommodate more barges. In 2001, the project was halted when government planners were accused of overestimating barge traffic and using other inaccurate assumptions to justify the locks. Sen. Kit Bond, R-Mo., vowed to get the project built anyway.

\$56 million to replenish sand at Imperial Beach in San Diego County. Sen. Barbara Boxer, D-Calif., defends it as a way to fight "storm surge." That's dubious, and in any case, why should taxpayers in Kansas have to re-sand a beach in California?

Millions more for local water supply projects and other unspecified plans.

Absent is any plan to reform this cavalier process. The Senate rejected, 69-22, a measure to create a commission of outside experts to set priorities.

Unfortunately, Bush's record on fiscal responsibility is so poor that his veto carries little credibility on Capitol Hill. So, after sustaining vetoes it should have overridden (on stem-cell research and children's health insurance), Congress is now about to override a veto it should have sustained.

Lawmakers could have used this as an opportunity to write a cheaper, cleaner, more sensible roadmap for making the nation safer from hurricanes and floods. Instead, they are spending tax dollars on a vehicle loaded with expensive, unnecessary options.

[From the New York Times, July 15, 2007]

#### REFORM FOR THE CORPS

Congress appears to be on track to approve a major water resources bill that would, among other provisions, provide long-overdue money for Everglades restoration and money to begin rebuilding Louisiana's vulnerable wetlands. But the House and Senate versions of the bill diverge on one crucial issue: reforming the Army Corps of Engineers.

This difference should be resolved by Senate and House negotiators in favor of the stronger Senate version, which guarantees meaningful reform.

Compared with most government agencies, the corps has always lived a charmed and largely undisciplined life, accountable to no one except a Congress that is happy to let it do whatever it wants as long as it builds the dams, levees, bridges and other pork-barrel projects dear to Congressional hearts.

One result is that over the years the corps has inflated the economic payoffs of its projects while underestimating their potential damage to the environment. As the levee failures during Hurricane Katrina demonstrated, the corps has also made misjudgments in engineering and design.

The Senate version addresses this by requiring independent peer review of the design, cost and environmental consequences of projects exceeding \$40 million in value. The House version offers a review process that is more loosely structured and is independent in name only. It gives the corps all sorts of wiggle room, including the authority to define the scope of the reviews, which in turn could leave important issues unexamined.

There are other differences between the two versions, but this is the most important. The Senate should stand firm.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WRDA VETO OVERRIDE

Mr. DURBIN. I rise today supporting the override of the President's veto of the Water Resources Development Act, known as the WRDA bill. We have waited for this bill for a long time. Senator BOXER of California and Senator INHOFE of Oklahoma worked so hard on it; 7 years it took us to put this bill together. It is a bill which should be passed on a regular basis because the needs of our country are recurring. They did a great job in putting this bill together. The conference passed it with an overwhelming vote within 7 months after the session began.

After 7 years of toil and 7 months hard work to put the bill together, it authorizes navigation, ecosystem restoration, and flood and storm damage reduction projects all over America. The projects in this bill are important for all of our Nation and represent benefits to rural and urban areas as well.

In Chicago, for example, residents will see enormous benefits from the Thornton and McCook Reservoirs projects in this bill. These reservoirs are currently under construction, but until they are completed, significant areas in that part of the country will remain unprotected from major floods. I know what I am speaking of. It has not been that long ago—only a few weeks—that I was in the suburbs watching them as they packed the sandbags and turned the pumps on in the basements and found ways to avoid the floodwater damage that was afflicting most of our area in the northern suburbs, in the northwest suburbs.

These reservoirs, when completed, will provide some protection. Without them, millions of homeowners are going to be exposed to flooding. There is another element. It is not just the damage to the communities, it is not just the interruption of commerce, it is not the water-soaked basement and all of the stuff that has to be thrown away, it is not just the expense of buying a pump to try to clear out our home; it is also the fact that when we run into this flooding situation we have sewer backups that discharge raw sewage into Lake Michigan. That is unacceptable. It is the sort of thing every community along the lake has to take seriously.

How does a community come up with the resources to deal with that so the storm drains do not overflow? Well, it

is hard for them to come up with the resources by themselves. But with Federal assistance it is possible.

Critics of this kind of approach say it is porkbarrel, more earmarks and Federal spending and, you know, these Senators, they are trying to put more money in their States for political reasons. Well, the fact is, this is Federal money earmarked for projects to avoid flooding, to protect homes, to protect neighborhoods, and to protect great national treasures such as Lake Michigan.

The reservoirs not only will help stop sewage overflows, but they are going to save homeowners money. Almost 75 percent of the residential lots in South Holland, IL, are now in a floodplain. That will be removed when the Thornton projects are complete. Completing these projects will save the homeowners in South Holland \$713,000 in annual insurance premiums.

A lot of those homeowners are struggling with property taxes now and getting a break on flood insurance is certainly good news. This is just one of the many examples of how the WRDA bill will save homeowners real dollars and protect their homes.

Another important feature of the bill for Illinois is increased lock capacity and improvements to the ecosystem of the Upper Mississippi and Illinois Rivers. The Mississippi River, of course, is a beautiful river, and father of all waters, and has many claims to historic and natural significance. But it also is an important avenue of commerce. This is the backbone of the waterway system of America. It transports \$12 billion worth of products each year, including over 1 billion bushels of grain to ports around the world. This efficient river transportation is vital to Illinois. Shipping by barge is inexpensive and helps keep our ports competitive. That is good for producers and good for consumers all over the world.

More than half of the Illinois annual corn crop and 75 percent of all U.S. soybean exports travel along the Upper Mississippi and Illinois Rivers. Shipping by barge is not only cost effective, but it has real environmental benefits. Barges operate at 10 percent of the cost of trucks, 40 percent of the cost of trains, they release far less carbon monoxide, nitrous oxide, and hydrocarbons, and barges use much less fuel to operate.

But the system of locks and dams along the Upper Mississippi that make travel possible is in desperate need of modernization. The current system was built 70 years ago and it needs to be repaired. Many of the older locks are only 600 feet in length. Most of the current barges are twice that length. That means these goods take twice as long to go down the river into the marketplace.

The override veto before us today will authorize \$2.2 billion for replacing and upgrading locks and dams, and—this is a critical part of it—\$1.7 billion for ecosystem restoration along the river.

We struck an agreement between those who want to use the river for commerce, and those who value it as a natural resource. We said, if we improve the locks and dams, we will put a comparable amount of money, \$1.7 billion, into restoring the river, the ecosystem of the Mississippi River. So I think that is a fairminded, balanced approach to what our Nation needs.

As we have seen in the tragedy that occurred along Minnesota's 35-W bridge, our country's infrastructure is aging and overburdened. The projects included in this bill are desperately needed to shore up our waterway system, a vital component of our national infrastructure.

Unfortunately, the President vetoed this bill last Friday. After years of trying to put this bill together, this President discovered his veto pen this year and decided he would start vetoing bills one after the other. This is the latest casualty. The WRDA veto override was passed by the House yesterday with an overwhelming vote, 361 to 54.

When the Senate originally considered the bill earlier this year, there were only five Senators who voted against it. In less than 1 week this Congress has come together to send the President a strong message that his fiscal priorities are misplaced and misguided. I do not understand how this President can ask us for \$196 billion to rebuild Iraq, and we ask for \$23 billion to put into rebuilding America's waterways, protecting the levees that could flood communities and doing things that are critical for our future, and the President says it is wasteful spending—wasteful if it is spent in America, not wasteful if it is spent in Iraq?

I fear the President gets up every morning in the White House and looks out the window and all he sees is Iraq. If he looked out that window, he would see America is out here too. It needs investment. A strong America begins at home. The Water Resources Development Act will build the infrastructure which will build the economy, creating good business, good-paying jobs, construction jobs that cannot be outsourced, jobs that will be filled by Americans getting decent wages and good benefits, taking them home to their families, building up the neighborhoods and communities that are the backbone of this great Nation.

The President does not see that. Oh, he can see \$196 billion for Iraq. He cannot see \$23 billion for America. I think he is wrong. By the vote yesterday in the House of Representatives, overwhelmingly they told him he was wrong. I hope we reach the same conclusion when this matter comes before us tomorrow. What was intended to be reauthorized every 2 years is now 5 years too late.

If we follow the President's lead, we will postpone this again, we will see locks and dams continue to deteriorate, bridges continue to fail, and people wondering why in the world this great Nation of America is not making

certain its infrastructure and backbone are strong enough to sustain economic growth.

It is time the President stopped using his veto pen for essential projects, programs like those in this bill, and in the appropriations bills that will be sent his way. I encourage all of my colleagues to support this bill to override the President's veto.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Mr. LEAHY. Madam President, this great Nation has long stood for a commitment to justice and equal rights for all Americans. Opening the doors of opportunity to all who have something to contribute has been a key to America's success as the world's strongest economy, and as the world's most successful democracy. Our cultural diversity is a pillar of our strength, and the promise of equal rights is a fundamental freedom of our democracy. Today, the House passed the Employment Non-Discrimination Act of 2007, which would further promote and protect our country's diversity and every American's civil rights by further protecting Americans from discrimination in the workplace.

This important legislation would prohibit workplace discrimination by making it illegal to fire, refuse to hire, or refuse to promote employees simply based on a person's sexual orientation. Currently, Federal law provides basic legal protection against employment discrimination on the basis of race, gender, religion, national origin or disability but not sexual orientation. Discrimination on the basis of certain personal characteristics has no place in any workplace or in any State, and it is long overdue for Congress to extend American employees these protections. This legislation has broad support not only from civil rights groups but also from leading American corporations, because they understand that there is no place for discrimination in our workplaces.

I commend the House for passing the Employment Non-Discrimination Act of 2007, and I look forward to the Senate taking up this measure without delay.



# NATIONAL METHAMPHETAMINE AWARENESS MONTH

Mr. GRASSLEY. Madam President, I am pleased to join my colleague, Senator BAUCUS, in sponsoring the National Methamphetamine Awareness Month resolution of 2007. As a senior Member of the Senate representing a State confronting an epidemic of methamphetamine abuse and as cochairman of the Senate Caucus on International Narcotics Control, I have often been confronted with heartbreaking stories of the destructive nature meth abuse has on families and children. All too often, meth abuse not only ruins the life of the user, it disrupts the lives of the users family, friends, and the community at large. That is why Members of Congress must do everything we can to ensure that communities across the country have the tools and support they need to stop meth in its tracks.

Since the passage of the Combat Meth Act in 2005, an act that restricted the sale of a main ingredient of meth known as pseudoephedrine, or PSE, the number of home-grown meth labs has dramatically decreased throughout the Nation. In spite of this encouraging development, the National Association of Counties reports, in its recent survey of county sheriffs, that meth remains the No. 1 drug problem in almost half the counties across the country. In some cases, sheriffs reported, in this survey, that not only has the rate of meth abuse stayed the same, it has actually increased. The Drug Enforcement Administration, DEA, estimates that over 80 percent of the meth in this country is smuggled in from Mexico by drug cartels who produce this poison in superlabs.

Senator BAUCUS and I have held hearings to examine ways in which the Government could break the meth supply chain while helping to reduce the number of people suffering from meth. One of the areas discussed, to help achieve these goals, was to boost our efforts to educate and raise awareness among the public. We have to do a better job to reach those who don't view meth as a deadly drug, and we have to ensure that our children never try meth. Studies show that the longer you keep a child drug-free, before the age of 20, chances are very good that they will never try or become addicted to drugs.

In my State of Iowa, we have 22 community based organizations that are designed just for this purpose. One of these organizations, that I founded, called Face It Together, or FIT, encourages parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and news organizations to work together to come up with new and creative ways to confront drug abuse within their communities. While some of these community coalitions receive some financial support from the Federal Government, the real difference is made by all of those who volunteer within their communities to ensure they remain drug-free.

Although much remains to be done to eradicate meth from our communities, this resolution is part of a vast, ongoing effort to ensure meth abuse does not expand further into our society. I am please that this resolution is supported by the Community Anti-Drug Coalitions of America, CADCA, and I urge my colleagues to join us in support of our efforts against meth abuse.

## 50TH ANNIVERSARY OF THE DETROIT REPERTORY THEATRE

Mr. LEVIN. Madam President, it is my distinct pleasure to recognize the 50th anniversary of the Detroit Repertory Theatre, one of Michigan's oldest, continuously operating professional theatre companies. Located in the heart of Detroit, this theatre company has made significant contributions to the arts landscape in Detroit and across Michigan, forging an enduring legacy over the last half century.

The arts play an important role in building and sustaining communities by bridging cultural, ethnic, economic differences, and by being an important economic catalyst. Since its inception in 1957, the Detroit Repertory Theatre has been at the forefront of this effort and has provided world-class theatre productions for the greater Detroit community. Its ongoing emphasis on racially and ethnically diverse casting and its focus on theatrical relevancy have allowed it to carve out an important niche in the grassroots theatre world.

The Detroit Repertory Theatre's golden anniversary is particularly impressive considering the myriad challenges grassroots theatre companies face. This theatre company has not only weathered and adeptly overcome every challenge but continues to provide quality performances, while focusing on making their productions both relevant and accessible to the community. Integral to the theatre's mission is reaching out to a broader theatre audience through various successful outreach efforts, including Arts in Education Programs, Free Acting Workshops, the New Playwrights' Program, and the Charitable and CMO Partnerships.

True to its bold tradition of forging ahead, this anniversary not only celebrates past achievements but concurrently looks forward and embarks on new challenges. On Saturday, the Detroit Repertory Theatre will hold a black tie benefit to formally celebrate its golden anniversary and to kickoff its 50th Anniversary Challenge. This effort seeks to raise the funds necessary to execute its operational and community development initiatives, seeking to position the theatre to meet the challenges that lie ahead.

When an organization enjoys the type of success the Detroit Repertory Theatre has over the years, there are many who have sacrificed much and deserve acknowledgement and our heartfelt gratitude. It is in this spirit that I

know my colleagues join me in recognizing and congratulating all those who have contributed to the Detroit Repertory Theatre's many successes over the last 50 years, in particular Bruce Milan, an original cofounder and the theatre's artistic and managing director, as well as his fellow cofounders, Barbara Busby and Dee Andrus. The community looks forward to an equally impressive record of success over the next half century. Break a leg!

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## FRENCH LEGION OF HONOR

• Mrs. CLINTON. Madam President, I am honored to recognize Mr. Bernard Rader of Freeport, NY, for his selection as one of just seven Americans—along with my colleague, Senator INOUE—to receive the French Legion of Honor from President Nicolas Sarkozy on his first official visit to Washington. Bernie, who is also a recipient of the Bronze Star and the Purple Heart, is deservedly being recognized for the heroism and courage he displayed in the service of our Nation as a soldier in the 301st Regiment of the 94th Infantry Division during World War II.

The Legion of Honor was established by Napoleon in 1802 to honor both military and civilians who have made significant contributions to French life. With this recognition, Bernie Rader joins Legionnaires including Dwight Eisenhower, Winston Churchill, Neil Armstrong, and Queen Elizabeth II.

Bernie Rader was born in the Bronx on December 12, 1923. In 1943, Bernie heeded his country's call to service and joined the Army as a rifleman assigned to the 94th Infantry Division. On September 8, 1944, just over 3 months after D-day, Bernie's regiment landed on Utah Beach in Normandy, France. The 94th ID subsequently moved into Brittany, where it was responsible for containing and taking on remaining pockets of German resistance in the English Channel ports of Lorient and Saint Nazaire. During the Siege of Lorient, in October 1944, Bernie's platoon was ambushed, and he was wounded and taken captive as a prisoner of war. Thinking quickly, Bernie asked one of his comrades to bury his dog tags to keep the Nazis from discovering his Jewish faith. Bernie was held for 6 weeks as a POW before being released during an unprecedented prisoner exchange organized by Andrew Gerow Hodges of the Red Cross.

Bernie's 94th Infantry Division went on to help liberate several small French towns. They also trained and armed 29 French infantry battalions to aid them in the war against Germany. In early 1945, the 94th ID launched an attack across the Saar River, which separated France and Germany. By March of 1945 the division controlled a 10-mile front, where it repelled German attacks. On March 13, 1945, they drove to the Rhine River, eventually taking

the industrial city of Ludwigshafen on March 24. By the beginning of April, they had taken responsibility for containing the west side of the Ruhr pocket along the Rhine River. The 94th ID occupied the Ruhr until V-E Day.

Bernie Rader was discharged from the Army in January 1946. After the war, Bernie became a certified public accountant in his home State of New York. He worked on the New York State Society of Certified Public Accountants, NYSSCPA, and served as president of the Nassau County Chapter in 1986 and 1987. He won the Distinguished Service Award from the NYSSCPA in 1992.

In 2004, Bernie presented the citizens of L'Ile de Groix, France, with a plaque to show his gratitude for the aid they provided to his fellow soldiers who had been taken prisoner outside of Lorient and held on the island of Groix under very harsh conditions. He is now working to establish a sister city program between L'Ile de Groix and his town of Freeport on Long Island.

On behalf of my constituents in New York, Mr. President, and indeed on behalf of all Americans, I wish to congratulate Bernie Rader for his selection for the French Legion of Honor. This honor rightly recognizes Bernie's heroism and steadfastness at a critical time in the history of our Nation. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Bernie Rader and his fellow Legionnaires for their noble service and their commitment to the defense of democracy and freedom.●

#### ADDITIONAL STATEMENTS

##### CONGRATULATING WILLIAM PRESCOTT ELEMENTARY SCHOOL

● Mr. CASEY. Madam President, today I congratulate William Prescott Elementary School, in Scranton, PA, on receiving the prestigious Blue Ribbon Schools award from the Department of Education for its outstanding achievement in providing students with a first-rate education.

William Prescott Elementary School serves just fewer than 300 students from the east side of Scranton and is part of the Scranton School District. Like many schools throughout Scranton and all of Pennsylvania, William Prescott Elementary School strives to provide the best possible opportunities and to enrich the life of each student. The administration and staff work passionately to provide a comprehensive curriculum inclusive of language arts, lab-based science, computer education, art and music education, English as a second language, special education, as well as many other courses. For the past 13 years, and particularly during the last 3, the students at William Prescott Elementary School have demonstrated steady progress in the areas of Reading and Mathematics and have far exceeded Pennsylvania's State tar-

gets. I am proud to say that the school is truly a model of educational excellence.

In addition to this, and I believe this is key, the school actively works to involve parents and the community in the learning process. Through partnerships with community organizations such as the Head Start Program, the Pennsylvania Council on the Arts, and Scranton Area Foundation, William Prescott Elementary School demonstrates its commitment to a comprehensive educational program that builds on personal responsibility, accentuates individual respect, and develops a love of learning.

Special credit for this achievement belongs to the principal, Mr. Albert P. O'Donnell, and the teachers, for creating a safe and challenging learning environment. During my brief experience as a teacher I learned firsthand how much dedication the students, the parents, and all involved must exhibit in order to succeed at this exceptional level. It is with great pride that I congratulate William Prescott Elementary School on this outstanding achievement. I hope that their dedication and hard work inspires both young students and those serving in the field of education alike.●

##### COMMENDING CONTRIBUTIONS TO TEACH FOR AMERICA

● Mrs. DOLE. Madam President, I wish to recognize the fifth anniversary of the Wachovia Championship golf tournament at Quail Hollow Club in Charlotte.

Several years ago, a number of leading North Carolinians gathered to begin the planning for this first-class event. Under the leadership of Quail Hollow president Johnny Harris, tournament chairman Mac Everett, and executive director Kym Hougham, the Wachovia Championship has quickly risen to the top echelon of sporting events in the country.

These leaders desired to create a premier sporting event that would provide a first-class experience for patrons, PGA tour players, and volunteers that at the same time would have a significant economic impact for the Carolinas, showcase my State and region to a national and international television audience, and most importantly raise significant funds for charitable interests in the State.

The primary beneficiary of the success of the Wachovia Championship is Teach for America. Funds generated from the tournament are used to support the national efforts of this organization.

This past year, I circulated a letter that asked appropriators to fund the Teach for America program at a \$15 million level for this fiscal year. Teach for America's goal is to provide students in urban and rural low-income areas with highly qualified teachers in order to eliminate educational inequity. This program is the national

corps of top college graduates who commit 2 years to teach in underresourced public schools and become lifelong leaders in the pursuit of educational equity. After completing their 2-year commitment, 63 percent of the Teach for America alumni continue to work in education. Since 1990, nearly 17,000 college graduates have joined Teach for America, impacting the lives of over 2.5 million students.

I applaud the efforts that Wachovia is making to support this program. In its first 5 years, the Wachovia Championship has donated over \$7.5 million to Teach for America and other charities. This year, to my understanding, the bank's donation to Teach for America is \$1 million, and their overall contributions to charities have been \$1.95 million.

As you can see, this golf tournament has a much bigger impact on the community than its direct entertainment and economic impact. Through this golf tournament Wachovia has been able to reach out and affect overall society by helping students gain a quality education.●

##### HONORING DR. WILLIAM POTTER

● Mr. LUGAR. Madam President, I wish to commemorate the awarding of the first endowed professorship in the field of nonproliferation studies to my friend, Dr. William Potter. Bill has served as director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. In that post he has made valuable contributions to U.S. policy through detailed analysis of the threat posed by the proliferation of weapons of mass destruction, comprehensive programmatic reviews of efforts to address the threat, and training of arms control and nonproliferation experts.

Bill Potter has an unequalled research and academic record in the field of nonproliferation. He has served as a consultant to the Arms Control and Disarmament Agency and the RAND Corporation. In addition, he has served for a number of years on the United Nations Secretary General's Advisory Board on Disarmament Research. He has written or edited 14 books and contributed to more than 90 books or journals. He has also made Monterey's quarterly publication, "The Nonproliferation Review," the leading journal in the field of nonproliferation.

I am honored that Monterey Institute has named Dr. Potter's new position the "Nunn-Lugar chair of nonproliferation studies." In 1991, Sam Nunn and I believed that our Government had to act to address the threats posed by the dissolution of the Soviet Union. As political and military leaders inched away from Cold War standoffs, the weapons they had developed to threaten and deter each other remained capable of killing the entire American population and rendering our country a wasteland.

Sam and I worked closely with experts and friends like Bill Potter. Together we understood that a unilateral effort would not succeed and challenged the United States and our former enemies to work together. The United States needed a diplomatic strategy and a programmatic response to the threat. The Nunn-Lugar program was our answer. The program succeeded in convincing Ukraine, Belarus, and Kazakhstan to remove all nuclear weapons from their territories. In addition, it became the primary tool through which the United States continues to work with Russia to destroy its massive nuclear, chemical, and biological warfare capacity.

I could relate many stories and experiences I have enjoyed with Bill Potter. His patient diplomacy and leadership have made important contributions to U.S. national security and international peace. The education, policy information, and policy expertise he will provide through his new position to the students at the Monterey Institute will continue the grand tradition he has established there and ensure that his talents and dedication are continued in a fine academic tradition.

The proliferation of weapons of mass destruction was and remains the No. 1 national security threat facing the United States and the international community. We still have a lot of work to do to address the threats posed by the proliferation of weapons of mass destruction. I congratulate the university and Dr. Potter on this important announcement and look forward to continuing my close relationship with Bill and his colleagues at Monterey as we work together to address the threat posed by the proliferation of weapons of mass destruction. •

#### CONGRATULATING PENOBSCOT BAY PORCH SWINGS

• Ms. SNOWE. Madam President, today I congratulate Penobscot Bay Porch Swings of Brunswick, a woman-owned company dedicated to reviving the tradition of porch swings in my home State of Maine.

Inspired by the old-fashioned hammock swings she saw along the Maine coast while on a field trip with her daughter, Sarah Bloy began creating the prototype for what would become the widely popular Penobscot Bay Porch Swing. After 4 years of planning and a trip to the Marine Canvas Training Institute, Ms. Bloy commenced production of her porch swings in January 2005. Each swing, which takes between 8 and 10 hours to make, is delicately produced in a studio workshop at Brunswick's Fort Andross by Ms. Bloy with the assistance of her dedicated employee.

Penobscot Bay Porch Swings is a successful small business due to Ms. Bloy's entrepreneurial and innovative spirit. Her company's hand-made porch swings are similar to those fashionable at the turn of the 20th century in

Maine and New England, illiciting nostalgia for some and amazement for many others. Penobscot Bay Porch Swings offers an assortment of styles that were named to celebrate Maine's coastal heritage. The Bar Harbor, Kennebunkport, and Camden are some of the swing styles available. Moreover, the swings' vibrant colors provide a contemporary look to a time-tested design. Choosing between colors, such as Capri blue and Tuscan orange, Jockey red and Seville Seaside stripes, customers have many bright and welcoming options for the color of their swing. And each hammock swing is carefully crafted with mildew resistant Sunbrella fabric to temper the tough elements of New England's climate.

Ms. Bloy has also created the inventive Castine Cradle, a swing-like crib especially designed for babies and infants. Along with the swings and cradles, Ms. Bloy also constructs a plethora of brilliant pillows to coordinate with her swings, in even more creative colors like Beachfront Balsam and Sandrine Sunset. Her sights are set on expanding her business, with the hopes of designing new and more creative products for her clientele to enjoy for seasons to come.

Porch swings and hammocks have long been a staple of east coast life, and Ms. Bloy's expertly crafted swings will help to revitalize interest in this outstanding tradition. Penobscot Bay Porch exemplifies what a small business can accomplish with a pioneering and talented Mainer, such as Sarah Bloy, at the helm. Penobscot Bay Porch Swings has built a reputation of meticulous craftsmanship and durability, and I wish Sarah and everyone at Penobscot Bay Porch Swings the best of luck as they continue to thrive and expand. •

#### TRIBUTE TO ADMIRAL WESLEY L. McDONALD

• Mr. WARNER. Madam President, today I pay tribute to ADM Wesley L. McDonald, U.S. Navy, Retired, a great American naval officer who served his country in uniform for over 35 years, culminating with his simultaneous assignments as Supreme Allied Commander Atlantic and Commander-in-Chief U.S. Atlantic Command.

Following his illustrious naval career, Admiral McDonald has gone on to promote both education and aviation, giving wise counsel to American industry and valued service on several key boards including the U.S. Navy Memorial Foundation, the U.S. Naval Aviation Museum and the Armed Services YMCA. This year he has been honored with the "Elder Statesman of Aviation" Award by the National Aeronautic Association for 15 years of exceptional service to this fine organization.

On 1 December 1985, ADM Wesley L. McDonald retired from his assignment as the Supreme Allied Commander Atlantic, and the Commander-in-Chief of

the U.S. Atlantic Command, after having served in the U.S. Navy for over 42 years. He is a former carrier naval aviator who served in various staff and command positions following his graduation from the U.S. Naval Academy in 1946. He also holds a M.S. degree from the George Washington University.

Before entering flight training in 1948, Admiral McDonald was a member of Rear Admiral Richard E. Byrd's South Pole expedition "High Jump." He received his wings in 1950 and served in several carrier fighter and attack squadrons. He participated as a flight leader in the first retaliatory strike into North Vietnam following the Gulf of Tonkin incident in 1964, while serving as the commanding officer of Attack Squadron Fifty-Six. Other command tours included Carrier Air Wing Fifteen, amphibious landing ship dock USS *Hermitage*, LSD-34, and the aircraft carrier USS *Coral Sea*, CV-43.

After promotion to rear admiral in 1972, he was assigned duty as the Commandant, Thirteenth Naval District. This tour was followed by assignment as Commander Carrier Group Three, where Admiral McDonald deployed to the Western Pacific as a Carrier Battle Group Commander in the final stages of the Vietnam war. He continued duty in the Pacific as the commander, Naval Air Force Pacific representative embarked in USS *Midway*, CV-41, homeported in Yokosuka, Japan, in 1974. He then served as the Chief of Naval Air Training in Corpus Christi, TX, for 1 year before being reassigned to Washington, DC, in 1975 as the Deputy Chief of Naval Personnel.

In July 1977, he was promoted to vice admiral and assumed command of the U.S. Second Fleet. Concurrently, Admiral McDonald commanded the NATO Striking Fleet Atlantic. Following this tour, Admiral McDonald was named Deputy Chief of Naval Operations, Air Warfare, where he established policy for the conduct of Naval Air Warfare and served as an advisor to the Chief of Naval Operations for all matters involving Naval Aviation.

He was promoted to the rank of admiral and assumed the duties of Supreme Allied Commander Atlantic, Commander-in-Chief U.S. Atlantic Command, and Commander-in-Chief U.S. Atlantic Fleet in September 1982. During this tour of duty, Admiral McDonald and his staff planned the U.S. intervention in Grenada in October 1983, and was the commander in charge of the successful execution of the operation.

Admiral McDonald's awards include the Defense Distinguished Service Medal, three Navy Distinguished Service Medals, two Legions of Merit, two Distinguished Flying Crosses, five Air Medals, and awards from the Netherlands, Federal Republic of Germany, France, Iceland, Norway, Uruguay, Chile and Brazil.

Throughout his career in the U.S. Navy and the private sector, Admiral McDonald has provided exemplary

leadership and sound professional judgment on issues of importance to the Navy and our country. He is an extraordinary individual and leader whose record of service exemplifies the highest traditions of our military and our country.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House, having proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned by the President of the United States with his objections, to

the House of Representatives, in which it originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 7, 2007, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3836. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the Department's Program for Planning, Managing, and Accounting for Civilian Contractor Services and Contractor Personnel during Contingency Operations; to the Committee on Armed Services.

EC-3837. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-3838. A communication from the Chairman, Examination Council, Federal Financial Institutions, transmitting, pursuant to law, a report relative to a review of their regulations for purposes of identifying outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-3839. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Beauregard, Grant, and St. Mary" (FRL No. 8491-4) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3840. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Oxytetracycline; Pesticide Tolerance" (FRL No. 8153-7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3841. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County and Monterey Bay Unified Air Pollution Control Districts" (FRL No. 8492-3) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3842. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Kern County Air Pollution Control District" (FRL No. 8489-7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3843. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries" ((RIN2060-AN71)(FRL No. 8492-4)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3844. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Update of Continuous Instrumental Test Methods: Technical Amendments" ((RIN2060-AO09)(FRL No. 8490-9)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3845. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Industry Overview" (Docket No. LMSB-04-1007-072) received on November 2, 2007; to the Committee on Finance.

EC-3846. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2008 Payment Rates, the Ambulatory Surgical Center Payment System and CY 2008 Payment Rates, the Hospital Inpatient Prospective Payment System and FY 2008 Payment Rates; and Payments for Graduate Medical Education for Affiliated Teaching Hospitals in Certain Emergency Situations" ((RIN0938-AO71) (RIN0938-AO70) (RIN0938-AO35)) received on November 2, 2007; to the Committee on Finance.

EC-3847. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data and defense services to the Republic of Korea for the manufacture and assembly of the X1100 Series Transmissions; to the Committee on Foreign Relations.

EC-3848. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled "Flood Mitigation Assistance" (RIN1660-AA00) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3849. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Hazard Mitigation Planning and Hazard Mitigation Grant Program" (RIN1660-AA17) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3850. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Mitigation Grants and Hazard Mitigation Planning" (RIN1660-AA36) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3851. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled, "Statistical Programs of the United States Government: Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-3852. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 56920) received on October 29, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3853. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the Agency's use of the Category Rating System during the period ending September 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3854. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Change in Requirements for Interhandler Transfers of Almonds" (Docket No. AMS-FV-07-0051) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3855. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2007 Crop Cotton Classification Services to Growers" ((RIN0581-AC75)(Docket No. AMS-CN-07-0060)) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3856. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages" (Docket No. AMS-FV-07-0071) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3857. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dates Grown or Packed in Riverside County, California; Decreased Assessment Rate" (Docket No. AMS-FV-07-0104) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3858. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification for Wood Packaging Material" (Docket No. APHS-2006-0122) received on October 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3859. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 03-09; to the Committee on Appropriations.

EC-3860. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XC90) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3861. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XC88) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3862. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XC89) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3863. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Closure of the Commercial Fishery for South Atlantic Golden Tilefish for the 2007 Fishing Year" (RIN0648-XC83) received on October 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3864. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XC91) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3865. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Broodstock Protection and Effort Reduction Measures for the Area 3 Lobster Fishery" (RIN0648-AU07) received on October 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3866. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 7 to the Summer Flounder, Scup, and Black Sea Bass FMP Final Rule" (RIN0648-AV21) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3867. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustments to Groundfish Management Measures" (RIN0648-AW07) received on October 31, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3868. A communication from the Under Secretary of Defense (Comptroller), trans-

mitting, pursuant to law, a quarterly report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC-3869. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003" (Docket No. R-1255) received on October 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3870. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Choice Voucher Program Homeownership Option; Eligibility of Units Not Yet Under Construction" (RIN2577-AC60) received on October 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3871. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cape Sable Seaside Sparrow in Miami-Dade County, Florida" (RIN1018-AV79) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3872. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Mussels in the Apalachicola Region, Alabama, Florida, and Georgia" (RIN1018-AU87) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3873. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to the Clean Water Act; to the Committee on Environment and Public Works.

EC-3874. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 4" (RIN3150-AI23) received on October 24, 2007; to the Committee on Environment and Public Works.

EC-3875. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to its Interim Wet Weather SNC Policy; to the Committee on Environment and Public Works.

EC-3876. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revised Denver PM10 Maintenance Plan" (FRL No. 8490-6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission" (FRL No. 8489-4) received on October

30, 2007; to the Committee on Environment and Public Works.

EC-3878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Other Solid Waste Incinerator Units; Nevada" (FRL No. 8489-6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendments; Correction" (FRL No. 8151-4) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Mojave Desert Air Quality Management District" (FRL No. 8487-6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC-3881. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer Generated Facsimile Transmissions" (RIN0938-AO65) received on November 2, 2007; to the Committee on Finance.

EC-3882. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938-AP22) received on November 2, 2007; to the Committee on Finance.

EC-3883. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms to Georgia for use by the Georgian Defense Ministry; to the Committee on Foreign Relations.

EC-3884. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Amendments to Acquisition Regulations" (AIDAR Circular 2007-02) received on October 26, 2007; to the Committee on Foreign Relations.

EC-3885. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110-221).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years (Rept. No. 110-222).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee (Rept. No. 110-223).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 798. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (Rept. No. 110-224).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 775, a bill to establish a National Commission on the Infrastructure of the United States (Rept. No. 110-225).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. SANDERS, Mr. WHITEHOUSE, Mrs. McCASKILL, Mr. CARPER, Mr. OBAMA, and Ms. KLOBUCHAR):

S. 2315. A bill to prohibit an entity under the jurisdiction of a Federal agency from paying for travel by employees of that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. BIDEN, Mr. REED, Mr. KERRY, Ms. CANTWELL, Mr. LEAHY, Mr. DURBIN, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. DODD, Mr. SANDERS, Mr. OBAMA, Mr. MENENDEZ, Mr. KOHL, Mr. CARDIN, Mrs. CLINTON, Mr. WYDEN, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. CASEY):

S. 2316. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. BUNNING, and Mr. SMITH):

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes; read the first time.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 2319. A bill to ensure the continued and future availability of life saving trauma

health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107-347) to reauthorize appropriations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2323. A bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes; to the Committee on Energy and Natural Resources.

## ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 1142

At the request of Mr. GREGG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1142, a bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1418

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1418, a bill to provide assistance to

## REPORTS OF COMMITTEES

The following reports of committees were submitted:



improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1880

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2068

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as

cosponsors of S. 2068, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for non-itemizers.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2168

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.

2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2289

At the request of Mr. ALEXANDER, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2313

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 366

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 366, a resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. RES. 368

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 368, a resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

S. RES. 370

At the request of Mrs. DOLE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 370, a resolution supporting and encouraging greater support for Veterans Day each year.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3543

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3543 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the Intellectual Property Enforcement Act of 2007. Congress is charged "to promote the progress of science and useful arts," and part of promotion is protection. This legislation will enhance existing intellectual property enforcement laws, provide more resources to combat infringement, and harmonize copyright and trademark laws. I thank Senator CORNYN for joining me in this effort, which is a high priority of mine, and also of the creative communities and industries across the country.

Each year, counterfeiting and copyright infringement cost the U.S. economy billions of dollars. The International Anti-Counterfeiting Coalition estimates that counterfeiting and piracy cost American businesses \$250 billion a year, and hundreds of thousands of jobs as well. Clearly, IP theft is big business, and that can devastate small businesses. No one knows this better than Vermont companies such as Hubbardton Forge, Vermont Teddy Bear Company, and Burton Snowboards. Each of these companies, and many others like them across the Nation invests time, money, and effort in the development of new products. When their products are infringed, it devalues the product and threatens the company.

Senator CORNYN and I have heard from a myriad of interested parties about the importance of protecting intellectual property, and have seen many enforcement proposals. The leg-

islation we introduce today will serve as the core of our legislative effort this year. It will start the process of considering how to ensure that our enforcement laws are up to the task, and that the necessary resources are in place to enforce them. Other Senators have introduced legislation to address these issues, and the Department of Justice and others have suggested legislative language. These are all helpful to the debate, and I expect there will be more to come. Introduction of the Intellectual Property Enforcement Act of 2007 is the beginning of this important effort.

The centerpiece of the bill we introduce today gives the Department of Justice the ability to bring civil actions against copyright infringers. Punishment should fit the crime, and a civil action is often more appropriate to the wrong being done in such cases than is criminal prosecution. This concept has passed the Senate on three separate occasions, as the PIRATE Act. Next, this bill adds resources for agents to combat infringement. It does not matter how strong our laws are, if there are not enough agents, or if our agents do not have the proper expertise to investigate and prosecute crimes, piracy will flourish and harm our economy. Third, this bill allows for "harmless errors" on copyright registration forms. Copyright registration should not be voided by innocently checking the wrong box or misspelling a word on a form. Finally, this bill harmonizes the forfeiture provisions in the copyright and trademark statutes.

By enacting well-balanced enforcement laws, we can protect both the creators and the consumers of intellectual property. It is impossible to put a price tag on creativity, but we must do all we can to protect the fruits of creative labor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2317

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Enforcement Act of 2007".

#### SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

##### "§ 506a. Civil penalties for violations of section 506

"(a) IN GENERAL.—In lieu of a criminal action under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B)

of title 18 and restitution to the copyright owner aggrieved by the conduct.

"(b) OTHER REMEDIES.—

"(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy, which is available by law to the United States or any other person.

"(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section."

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting ", or the Attorney General in a civil action," after "The copyright owner"; and

(ii) by striking "him or her" and inserting "the copyright owner"; and

(B) in the second sentence by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(B) in paragraph (2), by inserting ", or the Attorney General in a civil action," after "the copyright owner".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

"506a. Civil penalties for violation of section 506."

#### SEC. 3. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) IN GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) create an operational unit of the Federal Bureau of Investigation—

(A) to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than 1 judicial district, or international;

(B) that consists of at least 10 agents of the Bureau; and

(C) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(3) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.—Not later than 120

days after the date of the enactment of this Act, the Attorney General shall assign 1 Federal prosecutor to the appropriate office of the Department of Justice located in Hong Kong and 1 Federal prosecutor to such an office located in Budapest, Hungary, to assist in the coordination of the enforcement of intellectual property laws between the United States and foreign nations.

(c) **ORGANIZED CRIME TASK FORCE.**—Not later than 120 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, shall create a Task Force to develop and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(d) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$12,000,000 for each of fiscal years 2008 through 2011.

#### **SEC. 4. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING COMPUTERS.**

(a) **ADDITIONAL FUNDING FOR RESOURCES.**—

(1) **AUTHORIZATION.**—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2008 through 2011—

(A) \$10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) \$10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) **AVAILABILITY.**—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) **USE OF ADDITIONAL FUNDING.**—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) procure advanced tools of forensic science to investigate, prosecute, and study such crimes.

#### **SEC. 5. REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.**

(a) **LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.**—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting “civil” before “infringement”;

(2) in subsection (a)—

(A) in the first sentence, by striking “no action” and inserting “no civil action”; and

(B) in the second sentence, by striking “an action” and inserting “a civil action”;

(3) in subsection (b)—

(A) by redesignating that subsection as subsection (c); and

(B) by striking “506 and sections 509 and” and inserting “505 and section”;

(4) by inserting after subsection (a) the following:

“(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

“(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

“(B) the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.”

“(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.”;

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 412 of title 17, United States Code, is amended by striking “411(b)” and inserting “411(c)”.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

“411. Registration and civil infringement actions.”

#### **SEC. 6. CIVIL REMEDIES FOR INFRINGEMENT.**

(a) **IN GENERAL.**—Section 503(a) of title 17, United States Code, is amended—

(1) by striking “and of all plates” and inserting “, of all plates”; and

(2) by striking the period and inserting “, and of records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party.”

(b) **PROTECTIVE ORDERS FOR SEIZED RECORDS.**—Section 34(d)(1)(A) of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the Trademark Act of 1946) (15 U.S.C. 1116(d)(1)(A)) is amended by adding “The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party.” after the first sentence.

#### **SEC. 7. CRIMINAL INFRINGEMENT.**

(a) **FORFEITURE AND DESTRUCTION; RESTITUTION.**—Section 506(b) of title 17, United States Code, is amended to read as follows:

“(b) **FORFEITURE, DESTRUCTION, AND RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.”

(b) **SEIZURES AND FORFEITURES.**—

(1) **REPEAL.**—Section 509 of title 17, United States Code, is repealed.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

#### **SEC. 8. IMPORTATION AND EXPORTATION.**

(a) **IMPORTATION AND EXPORTATION OF INFRINGING ITEMS.**—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) in the first sentence, by striking “Importation” and inserting “(1) Importation”;

(3) by striking “106, actionable” and inserting “106 and is actionable”;

(4) by striking “This subsection does not apply to—” and inserting the following:

“(2) Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106 and is actionable under sections 501 and 506.

“(3) This subsection does not apply to—”;

(5) in subparagraph (A), as redesignated, by inserting “or exportation” after “importation”;

(6) in subparagraph (B), as redesignated—

(A) by striking “, for the private use of the importer” and inserting “or exportation, for the private use of the importer or exporter”; and

(B) by inserting “or departing from the United States” after “outside the United States”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—(1) The section heading for section 602 of title 17, United States Code, is amended by inserting “or exportation” after “importation”.

(2) The table of sections for chapter 6 of title 17, United States Code, is amended by inserting “or exportation” after “importation”.

(3) The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

“CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION”.

(4) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

“6. Manufacturing Requirements, Importation, and Exportation ..... 601”.

#### **SEC. 9. DEFINING TERMS RELATING TO CIRCUMVENTION OF COPYRIGHT PROTECTION SYSTEMS.**

Section 1201 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “import,”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting “; and”;

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

“(B) the term ‘financial gain’ includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;”; and

(iv) by adding at the end the following:

“(C) the term ‘traffic in’ means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “import,”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting “; and”;

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

“(B) the term ‘financial gain’ includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;”; and

(iv) by adding at the end the following:

“(D) the term ‘traffic in’ means to transport, transfer, or otherwise dispose of, to another, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.”.

#### SEC. 10. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended to read as follows:

##### “§ 1834. Criminal forfeiture

“Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.”.

#### SEC. 11. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.

Section 2318 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking “Whoever” and inserting “(1) Whoever”.

(2) Section 2318(d) is amended to read as follows:

“(d) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.”.

(3) Section 2318 is further amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

#### SEC. 12. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

“(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.”.

#### SEC. 13. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320(b) of title 18, United States Code, is amended to read as follows:

“(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.”.

#### SEC. 14. FORFEITURE, DESTRUCTION, AND RESTITUTION.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 2323. Forfeiture, destruction, and restitution

“(a) CIVIL FORFEITURE.—

“(1) PROPERTY SUBJECT TO FORFEITURE.—The following property is subject to forfeiture to the United States:

“(A) Any article the making or trafficking of which is prohibited under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

“(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

“(C) Any property constituting or derived from any proceeds obtained directly or indi-

rectly as a result of the commission of an offense referred to in subparagraph (A).

“(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

“(b) CRIMINAL FORFEITURE.—

“(1) PROPERTY SUBJECT TO FORFEITURE.—The court, in imposing sentence on a person convicted of an offense under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States any property subject to forfeiture under subsection (a) for that offense.

“(2) PROCEDURES.—

“(A) IN GENERAL.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

“(B) DESTRUCTION.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States—

“(i) shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

“(ii) shall order that any infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

“(c) RESTITUTION.—When a person is convicted of an offense under section 506 or 1204 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

“2323. Forfeiture, destruction, and restitution.”.

#### SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking “505, and 509” and inserting “and 505”.

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking “and 509”;

(B) in subsection (c)—

(i) in paragraph (2), by striking “and 509”;

(ii) in paragraph (3), by striking “sections 509 and 510” and inserting “section 510”; and

(iii) in paragraph (4), by striking “and section 509”; and

(C) in subsection (e)—

(i) in paragraph (1), by striking “sections 509 and 510” and inserting “section 510”; and

(ii) in paragraph (2), by striking “and 509”.

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking “and 509”; and

(B) in paragraph (6), by striking “and 509”.

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking “sections 509 and 510” and inserting “section 510”;

(B) in paragraph (7)(A), by striking “and 509”;

(C) in paragraph (8), by striking “and 509”; and

(D) in paragraph (13), by striking “and 509”.

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking “and 509”;

(B) in subsection (e), by striking “sections 509 and 510” and inserting “section 510”; and

(C) in subsection (f)(1), by striking “and 509”.

(6) Section 411(b) of title 17, United States Code, is amended by striking “sections 509 and 510” and inserting “section 510”.

(b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking “or 509”.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, Organ transplantation is one of the most remarkable success stories in the history of medicine. No longer is it considered experimental. Today, transplants are accepted as the best treatment for certain diseases, including End Stage Renal Disease. Approximately 28,000 organ transplants were performed last year in the U.S. The vast majority of transplants are provided to patients in need of a kidney.

Our Medicare system provides health care to millions of aged and disabled Americans, as well as those living with ESRD, each year. Thousands of Americans receive a Medicare-covered kidney transplant each year through the Medicare ESRD Program, which also covers dialysis, immunosuppressive drugs, and other medically important services.

Unfortunately, there are long waiting lists for people who need an organ. Today there are over 98,000 individuals waiting for a transplant. For those lucky enough to receive one, the next challenge is to obtain coverage for immunosuppressive drugs—medications that organ transplant recipients must take every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for Medicare-aged and Medicare-disabled beneficiaries who had Medicare status at the time of transplant. Today, for an older or disabled person on Medicare, coverage for immunosuppressive drugs is covered for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. For example, Medicare would pay for a 26-year-old woman

living with ESRD to have lifelong dialysis at \$50,000 per year. Medicare would cover the cost of a transplant for her at \$100,000 per transplant operation. But, the immunosuppressive drugs she would need to ensure the organ is not rejected by her body are only covered by Medicare for 36 months, even though the drugs cost the Government only \$15,000 per year.

This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney. This senseless cycle of care costs taxpayers a lot of money and puts thousands of lives on the line.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would alleviate the disparity between coverage for immuno-suppressive drugs among Medicare beneficiaries. It is time to provide lifetime coverage for immunosuppressive drugs through Medicare. We will reduce the need for dialysis and kidney re-transplants and provide reliable, sustained access to critically important, life-saving medications for thousands of Americans. In the long run, we will save money and lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007”.

#### SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426-1(b)(2)) is amended by inserting “(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))” after “shall end”.

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking “Every individual who” and inserting “(a) IN GENERAL.—Every individual who”; and

(B) by adding at the end the following new subsection:

“(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

“(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

“(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

“(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

“(C) The provision of such drugs shall be subject to the application of—

“(i) the deductible under section 1833(b); and

“(ii) the coinsurance amount applicable for such drugs (as determined under this part).

“(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

“(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

“(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

“(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.”.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426-1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: “With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, this subparagraph shall be applied without regard to any time limitation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

#### SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

##### “SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

“A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.”.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting “(other than section 2707)” after “requirements of such subparts”.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

##### “SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

“A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking “section 711” and inserting “sections 711 and 714”.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

“Sec. 714. Coverage of immunosuppressive drugs.”.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

“Sec. 9813. Coverage of immunosuppressive drugs for kidney transplant recipients.”;

and

(2) by inserting after section 9812 the following:

##### “SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

“A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2008.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, today I am introducing a bill to amend the International Center Act to make it clear that Intelsat can continue to lease the land on which its headquarters building is located.

Congress created Intelsat when it passed the Communications Satellite Act in the 1960s, intending it to be an international organization charged with establishing the world's first global satellite system. In 2000, Congress passed the ORBIT Act, which essentially mandated that Intelsat become a private company. The purpose of the ORBIT Act was to promote a fully competitive global market for satellite

communication services for the benefit of consumers. Congress inadvertently overlooked some important changes that were required to complete this transformation and, as a result, had to make technical changes to correct these oversights.

One technical correction still needs to be made, however: the International Center Act, ICA, must be amended to ensure that Intelsat's lease of the land on which its headquarters is located comports with the law. The U.S. Government owns this land. The State Department and Intelsat entered into a long-term lease for the land on which Intelsat built its headquarters many years ago. Intelsat constructed and fully owns the building. The lease was originally entered into pursuant to the ICA and has been amended several times over the years, most recently in 2006. The ICA, however, limits leases of this property to foreign governments and international organizations. At the time Intelsat leased the property and built its headquarters building, it was an international organization.

When Congress mandated in the ORBIT Act that Intelsat privatize, it created a problem regarding Intelsat's land lease. Once Intelsat was no longer an international organization, it technically no longer satisfied the requirements of the ICA. In other words, Congress' action requiring Intelsat to privatize has left the company's right to continue to lease the land in question. But it was never the intent of the ORBIT Act to create this uncertainty with respect to the legality of Intelsat's land lease.

The bill I am introducing amends the ICA to eliminate this uncertainty that the ORBIT Act created regarding the lease. It is necessary to ensure that the now privatized Intelsat can continue to lease the land. My bill would in no way alter the rights or obligations of the parties or any of the lease terms or conditions. It in no way expands any of Intelsat's rights under the existing lease. Nor does it change in any way the rights or powers that the State Department currently has under the lease. The Secretary of State will continue to have the same right to prohibit any use, development, occupancy, lease, or sublease as is currently authorized under the existing lease. My bill makes no substantive change in the relationship between the State Department and Intelsat. It merely eliminates the inconsistency between the lease and the ICA that was caused by Intelsat's privatization—which Congress required when it passed the ORBIT Act.

The State Department has approved this legislation to amend the ICA. I hope my colleagues will support the bill, too, and act on it expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.

The first section of the International Center Act (Public Law 90-553; 82 Stat. 958) is amended by adding at the end the following new sentence: "Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property."

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3545. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3546. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3547. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3548. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3549. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3550. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3551. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3552. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3553. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3554. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3555. Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3556. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3557. Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 3558. Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3559. Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3560. Mr. INOUE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3561. Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3562. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3563. Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3564. Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3565. Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes.

## TEXT OF AMENDMENTS

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1492, after line 23, add the following:



(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

“The term ‘renewable diesel’ also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.”.

**SA 3545.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 9001(3)(B) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) is amended by striking clause (iii) and inserting the following:

“(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste;

**SA 3546.** Mr. ROBERTS (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 10101 (relating to definitions) and insert the following:

#### **SEC. 10101. DEFINITIONS.**

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking “When used in this Act—” and inserting “In this Act:”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking “clause (1), (2), or (3) of this paragraph” and inserting “clause (i), (ii), or (iii)”;

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking “The term ‘association of producers’ means” and inserting the following:

“(2) ASSOCIATION OF PRODUCERS.—

“(A) IN GENERAL.—The term ‘association of producers’ means”; and

(B) by adding at the end the following:

“(B) INCLUSION.—The term ‘association of producers’ includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.”;

(7) in paragraph (3) (as so redesignated)—

(A) by striking “The term” and inserting the following:

“(3) HANDLER.—

“(A) IN GENERAL.—The term”; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

“(B) EXCLUSION.—The term ‘handler’ does not include—

“(i) a producer; or

“(ii) a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.”; and

(8) by adding at the end the following:

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”.

**SA 3547.** Mr. ROBERTS (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 10103 and 10104 and insert the following:

#### **SEC. 10103. ENFORCEMENT.**

The Agricultural Fair Practices Act of 1967 is amended—

(1) by striking section 6 (7 U.S.C. 2305);

(2) by redesignating sections 5 and 7 (7 U.S.C. 2304, 2306) as sections 7 and 8, respectively; and

(3) by inserting after section 4 the following:

#### **“SEC. 5. ENFORCEMENT.**

“(a) CIVIL ACTIONS BY THE SECRETARY AGAINST HANDLERS.—In any case in which the Secretary has reasonable cause to believe that a handler or group of handlers has engaged in any act or practice that violates this Act, the Secretary may bring a civil action in United States district court by filing a complaint requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the handler.

“(b) CIVIL ACTIONS AGAINST HANDLERS.—

“(1) PREVENTIVE RELIEF.—

“(A) IN GENERAL.—In any case in which any handler has engaged, or there are reasonable grounds to believe that any handler is about to engage, in any act or practice prohibited by this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved in United States district court.

“(B) SECURITY.—The court may provide that no restraining order or preliminary injunction shall issue unless security is provided by the applicant, in such sum as the court determines to be appropriate, for the payment of such costs and damages as may be incurred or suffered by any party that is found to have been wrongfully enjoined or restrained.

“(2) DAMAGES.—

“(A) IN GENERAL.—Any person injured in the business or property of the person by reason of any violation of, or combination or conspiracy to violate, this Act may bring a civil action in United States district court to recover—

“(i) damages sustained by the person as a result of the violation; and

“(ii) any additional penalty that the court may allow, but not more than \$1,000 per violation.

“(B) LIMITATION ON ACTIONS.—A civil action under subparagraph (A) shall be barred unless commenced within 4 years after the cause of action accrues.

“(3) ATTORNEYS’ FEES.—In any action commenced under paragraph (1) or (2), any person that has violated this Act shall be liable to any person injured as a result of the violation for the full amount of the damages sustained as a result of the violation, including costs of the litigation and reasonable attorneys’ fees.

“(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall—

“(1) have jurisdiction of proceedings instituted pursuant to this section; and

“(2) exercise that jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

“(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

“(e) RELATIONSHIP TO STATE LAW.—Nothing in this Act—

“(1) changes or modifies State law in effect on the date of enactment of this subsection; or

“(2) deprives a State court of jurisdiction.”.

#### **SEC. 10104. RULES AND REGULATIONS.**

The Agricultural Fair Practices Act of 1967 is amended by inserting after section 5 (as amended by section 10103) the following:

#### **“SEC. 6. RULES AND REGULATIONS.**

“The Secretary may promulgate such rules and regulations as are necessary to carry out this Act, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers.”.

**SA 3548.** Mr. ROBERTS (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraph (A) of section 2(a)(14) of the Packers and Stockyards Act, 1921 (as amended by section 10203), and insert the following:

“(A) IN GENERAL.—The term ‘production contract’ means a written agreement that—

“(i)(I) provides for the production of livestock or poultry by a contract producer; or

“(II) provides for the provision of a management service relating to the production of livestock or poultry by a contract producer; and

“(ii) contains an investment requirement.”.

**SA 3549.** Mr. ROBERTS (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 10208 (relating to regulations) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

**SA 3550.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

“(j) SENSE OF CONGRESS.—It is the sense of Congress that, in developing and deploying broadband technology, Federal, State, and local officials should, to the maximum extent practicable, minimize any negative impact on the scenic beauty of the United States, including through the use of technology that camouflages, collocates, or conceals broadband towers.

“(k) FUNDING.—

On page 865, line 12, strike “(k)” and insert “(l)”.

**SA 3551.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (as amended by section 7201(a)), redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and insert before subparagraph (B) (as so redesignated) the following:

“(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Account—

“(i) \$24,000,000 for fiscal year 2010; and

“(ii) \$25,000,000 for each of fiscals year 2011 and 2012.

Strike section 12302.

**SA 3552.** Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1471, strike lines 10 through 22.

**SA 3553.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

**SEC. 12301. CREDIT FOR BUSINESS WIND PROPERTY.**

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking “or” at the end of clause (iii), by adding “or” at the end of clause (iv), and by inserting after clause (iv) the following new clause:

“(v) qualified small wind energy property.”.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking “and” at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

“(IV) qualified small wind energy property, and”.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(1) by inserting “; QUALIFIED SMALL WIND ENERGY PROPERTY” after “QUALIFIED MICRO-TURBINE PROPERTY” in the heading,

(2) by striking “For purposes of this subsection” and inserting “For purposes of this section”,

(3) by striking “paragraph (1)” in paragraphs (1)(B) and (2)(B) and inserting “subsection (a)(1)”, and

(4) by adding at the end the following new paragraph:

“(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified small wind energy property’ means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property which is—

“(i) a farm (within the meaning of section 2032A(e)(4), or

“(ii) a small business (within the meaning of section 44(b)(1)) located in a rural area (within the meaning of clause (i) or (ii) of section 1400E(a)(2)(B)).

“(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed \$4,000 with respect to any taxpayer.

“(C) QUALIFYING SMALL WIND TURBINE.—The term ‘qualifying small wind turbine’ means a wind turbine which—

“(i) has a nameplate capacity of not more than 100 kilowatts, and

“(ii) meets the performance standards of the American Wind Energy Association.

“(D) TERMINATION.—The term ‘qualified small wind energy property’ shall not include any property for any period after December 31, 2008.”.

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraphs (1)(B), (2)(B), and (3)(B)”.

(e) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

**SA 3554.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

**SEC. 12301. CREDIT FOR RESIDENTIAL AND BUSINESS WIND PROPERTY.**

(a) RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end the following new paragraph:

“(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.”.

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) \$4,000 with respect to any qualified small wind energy property expenditures.”.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term ‘qualified small wind energy property expenditure’ means an expenditure for qualified small wind energy property (as defined in section 48(c)(3)(A)) installed on or in connection with a dwelling unit and related real property of greater than 100 acres that is located in the United States and used as a residence by the taxpayer.”.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: “Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.”.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) \$1,667 in the case of wind turbines for which qualified small wind energy property expenditures are made.”.

(b) BUSINESS WIND PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking “or” at the end of clause (iii), by adding “or” at the end of clause (iv), and by inserting after clause (iv) the following new clause:

“(v) qualified small wind energy property.”.

(2) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking “and” at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

“(IV) qualified small wind energy property, and”.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(A) by inserting “; QUALIFIED SMALL WIND ENERGY PROPERTY” after “QUALIFIED MICRO-TURBINE PROPERTY” in the heading,

(B) by striking “For purposes of this subsection” and inserting “For purposes of this section”,

(C) by striking “paragraph (1)” in paragraphs (1)(B) and (2)(B) and inserting “subsection (a)(1)”, and

(D) by adding at the end the following new paragraph:

“(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified small wind energy property’ means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property the area of which is greater than 100 acres.

“(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed \$4,000 with respect to any taxpayer.

“(C) QUALIFYING SMALL WIND TURBINE.—The term ‘qualifying small wind turbine’ means a wind turbine which—

“(i) has a nameplate capacity of not more than 100 kilowatts, and

“(ii) meets the performance standards of the American Wind Energy Association.

“(D) TERMINATION.—The term ‘qualified small wind energy property’ shall not include any property for any period after December 31, 2008.”.

(4) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking “paragraphs

(1)(B) and (2)(B)” and inserting “paragraphs (1)(B), (2)(B), and (3)(B)”.

(c) **PREEMPTION.**—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenditures after December 31, 2007.

**SA 3555.** Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE XIII—HOUSING ASSISTANCE COUNCIL**

**SEC. 13001. SHORT TITLE.**

This title may be cited as the “Housing Assistance Council Authorization Act of 2007”.

**SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.**

(a) **USE.**—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) \$10,000,000 for fiscal year 2008; and

(2) \$15,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

**SA 3556.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, line 9, insert “(after taking into consideration recommendations made by the National Academy of Sciences)” after “President”.

**SA 3557.** Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Statement of Appropriations.

**LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008**

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

**SEC. 2. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

**TITLE I**

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION**

**TRAINING AND EMPLOYMENT SERVICES**

**(INCLUDING RESCISSIONS)**

For necessary expenses of the Workforce Investment Act of 1998 (“WIA”), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,618,940,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,994,510,000 as follows:

(A) \$864,199,000 for adult employment and training activities, of which \$152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which \$712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) \$940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) \$1,189,811,000 for dislocated worker employment and training activities, of which \$341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, \$483,371,000 as follows:

(A) \$282,092,000 for the dislocated workers assistance national reserve, of which \$6,300,000 shall be available on October 1, 2007, of which \$63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to \$125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such

eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That \$2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That \$1,500,000 shall be for a non-competitive grant to the AFL-CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That \$2,200,000 shall be for a non-competitive grant to the AFL-CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) \$55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) \$82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including \$77,265,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) \$62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, \$141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) \$50,569,000 for Pilots, Demonstrations, and Research, of which \$5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) \$78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than \$59,000,000 shall be for youthful offender activities: *Provided*, That \$50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) \$4,921,000 for Evaluation under section 172 of the WIA; and

(D) \$6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107-116 to carry out the activities of the National Skills Standards Board, \$44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, \$245,000,000 are rescinded: *Provided*, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: *Provided further*, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, \$530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, \$888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$90,517,000, together with not to exceed \$3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including \$10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501-8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) \$10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$693,000,000 from the Trust Fund, together with \$22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-

Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) \$32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) \$14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

*Provided*, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87.

In addition, \$40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, \$437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$88,451,000, together with not to exceed \$88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### EMPLOYEE BENEFITS SECURITY

##### ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$142,925,000.

#### PENSION BENEFIT GUARANTY CORPORATION

##### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of \$411,151,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional \$9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional \$50,000 shall be made available for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

#### EMPLOYMENT STANDARDS ADMINISTRATION

##### SALARIES AND EXPENSES

##### (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$435,397,000, together with \$2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31

U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, \$102,000,000 are rescinded.

#### SPECIAL BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$16,109,000.

(3) For periodic roll management and medical review, \$14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

#### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred

in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, \$62,000,000, to remain available until expended.

#### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

#### BLACK LUNG DISABILITY TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed \$24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$335,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$500,568,000, including not to exceed \$91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans

approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,116,000 shall be available for Susan Harwood training grants, of which \$3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the

House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rule-making, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**SALARIES AND EXPENSES**

For necessary expenses for the Mine Safety and Health Administration, \$339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities, \$2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and \$1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS**  
**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local

agencies and their employees for services rendered, \$488,804,000, together with not to exceed \$78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

**OFFICE OF DISABILITY EMPLOYMENT POLICY**  
**SALARIES AND EXPENSES**

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$27,712,000.

**DEPARTMENTAL MANAGEMENT**  
**SALARIES AND EXPENSES**

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$304,856,000, of which \$82,516,000 is for the Bureau of International Labor Affairs (including \$5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which \$20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

**OFFICE OF JOB CORPS**

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$1,650,516,000, plus reimbursements, as follows:

(1) \$1,507,684,000 for Job Corps Operations, of which \$916,684,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which \$591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) \$113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which \$13,960,000 is available for the period July 1, 2008 through June 30, 2011 and \$100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) \$28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

*Provided*, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

**VETERANS EMPLOYMENT AND TRAINING**

Not to exceed \$197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which \$1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, \$31,055,000, of which \$7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

**OFFICE OF INSPECTOR GENERAL**

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$72,929,000, together with not to exceed \$5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

**GENERAL PROVISIONS**

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

**(TRANSFER OF FUNDS)**

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than \$110) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under



section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A-76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regula-

tions pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109-236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109-236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 114. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2008".

## TITLE II

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, \$7,235,468,000, of which \$317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which \$38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program

under such section: *Provided*, That of the funds made available under this heading, \$160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That \$40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than \$44,055,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, \$310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, \$1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: *Provided further*, That within the amounts provided for part A of title XXVI of the Public Health Service Act, \$9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for

the award: *Provided further*, That \$822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed \$103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, \$39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113: *Provided further*, That of the funds provided, \$25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than \$5,000,000 shall be for general dentistry programs, not less than \$5,000,000 shall be for pediatric dentistry programs and not less than \$24,614,000 shall be for family medicine programs: *Provided further*, That of the funds available under this heading, \$12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,906,000.

#### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$6,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$6,288,289,000, of which \$147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which \$568,803,000 shall remain avail-

able until expended for the Strategic National Stockpile; of which \$52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which \$121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$116,550,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$44,523,000 for Health Marketing; (5) \$31,000,000 to carry out Public Health Research; and (6) \$97,404,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed \$19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: *Provided further*, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to \$30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than \$1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by

other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.

#### NATIONAL INSTITUTES OF HEALTH NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,925,740,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

#### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,001,691,000.

#### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$399,867,000.

#### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,753,037,000.

#### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,578,210,000.

#### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

##### (INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,682,585,000: *Provided*, That \$300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

#### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,984,879,000.

#### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,286,379,000.

#### NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$684,126,000.

#### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$658,258,000.

#### NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,076,389,000.

#### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect

to arthritis and musculoskeletal and skin diseases, \$521,459,000.

#### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$403,958,000.

#### NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$140,900,000.

#### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$447,245,000.

#### NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,025,839,000.

#### NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,440,557,000.

#### NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$498,748,000.

#### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$305,884,000.

#### NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,182,015,000.

#### NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$124,647,000.

#### NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$204,542,000.

#### JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), \$68,216,000.

#### NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$329,039,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.

#### OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of

Health, \$1,145,790,000, of which up to \$25,000,000 shall be used to carry out section 215 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That no more than \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That \$110,900,000 shall be available for continuation of the National Children's Study: *Provided further*, That \$531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: *Provided further*, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to \$4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

#### BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$130,000,000, to remain available until expended.

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,290,848,000, of which \$19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$19,750,000 to carry out national surveys on drug abuse; and (4) \$4,300,000 to evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.

#### AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

#### HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed \$334,564,000.

#### CENTERS FOR MEDICARE AND MEDICAID SERVICES

#### GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, \$67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

#### PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D-16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

#### PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That \$193,000,000, to remain available

until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

#### HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which \$249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which \$35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, \$36,690,000 is for the Department of Justice; \$36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and \$25,000,000 is for the Department of Health and Human Services: *Provided*, That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), \$2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, \$1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

##### LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)-(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)-(d)), \$1,980,000,000.

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), \$431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.

##### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, \$652,394,000, of which up to \$9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

##### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which \$982,080 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$267,785,718 shall be reserved by the States for activities authorized under section 658G, of which \$98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

In addition, \$5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

##### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the

Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Lifespan Respite Care Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, \$9,220,695,000, of which \$4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That \$7,042,196,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That \$706,125,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than \$8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That \$18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That \$136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That

grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

#### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$345,000,000 and section 437, \$89,100,000.

#### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,067,000,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2009, \$1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

#### ADMINISTRATION ON AGING AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, \$1,446,651,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

#### OFFICE OF THE SECRETARY

#### GENERAL DEPARTMENTAL MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$387,070,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities

specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$51,891,000 shall be for minority AIDS prevention and treatment activities; and \$5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and \$1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and \$5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

#### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$27,651,000: *Provided*, That in addition to amounts provided herein, \$38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$45,187,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$33,748,000, together with not to exceed \$3,314,000 to be transferred and ex-

pended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

#### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

#### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, \$741,586,000, of which not to exceed \$22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F-2(c)(7)(B) of the Public Health Service Act, and of which \$149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, \$763,923,000, of which \$685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the

Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than \$1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition,

lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or non-profit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a non-profit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.



(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 220. Not to exceed \$35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$2,500,000 per project.

SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:

(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or

(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and

(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.

(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—

(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;

(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and

(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.

#### (TRANSFER OF FUNDS)

SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Di-

rector of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 223. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the “Nonrecurring expenses fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2008”.

### TITLE III

#### DEPARTMENT OF EDUCATION

##### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$15,930,691,000, of which \$7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That \$6,808,971,000 shall be for basic grants under section 1124: *Provided further*, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be for concentration grants under section 1124A: *Provided further*, That \$3,068,680,000 shall be for targeted grants under section 1125: *Provided further*, That \$3,068,680,000 shall be for education finance incentive grants under section 1125A: *Provided further*, That \$9,330,000 shall be to carry out sections 1501 and 1503: *Provided further*, That \$1,634,000 shall be available for a comprehensive school reform clearinghouse.

##### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,262,778,000, of which \$1,126,192,000 shall be for basic support payments under section 8003(b), \$49,466,000 shall be for payments for children with disabilities under section 8003(d), \$17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, \$64,350,000 shall be for Federal property payments under sec-

tion 8002, and \$4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

##### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,411,758,000, of which \$3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which \$1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That \$58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That \$18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*,

That \$3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

#### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$124,000,000.

#### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$1,010,084,000: *Provided*, That \$9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That \$361,917,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That \$103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That \$99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to \$24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than \$190,000,000 to carry out other activities authorized under subpart 1.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$708,835,000, of which \$300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That \$300,000,000 shall be available for subpart 1 of part A of title IV and \$222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than \$1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been

disrupted due to a violent or traumatic crisis: *Provided further*, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That \$152,998,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,072,000 may be used to carry out section 2345 and \$3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

#### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

#### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,357,999,000, of which \$5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008-2009: *Provided*, That \$13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That \$8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, \$3,285,985,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That \$3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the

managers on the conference report accompanying this Act.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$22,000,000.

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$60,757,000, of which \$1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

##### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$115,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

##### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII-D of the Higher Education Amendments of 1998, \$2,013,329,000, of which \$1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, \$69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$7,000,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: *Provided further*, That funds made available to local educational

agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

#### STUDENT FINANCIAL ASSISTANCE (INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, \$16,379,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be \$4,435.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, \$525,000,000 are rescinded.

For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, \$525,000,000, which shall remain available through September 30, 2009.

#### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$708,216,000, which shall remain available until expended.

#### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,095,608,000: *Provided*, That \$9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That \$620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That \$104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

#### HOWARD UNIVERSITY

For partial support of Howard University, \$237,392,000, of which not less than \$3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, \$481,000.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, \$188,000.

#### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$561,315,000, of which \$293,155,000 shall be available until September 30, 2009.

#### DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$420,698,000, of which \$3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$93,771,000.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$53,239,000.

#### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

#### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the De-

partment of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

(c) DEFINITION.—For purposes of this section, the term “covered individual or entity” means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community

Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an "institution of higher education" under section 102 of that Act.

This title may be cited as the "Department of Education Appropriations Act, 2008".

#### TITLE IV

##### RELATED AGENCIES

##### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,994,000.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$798,065,000, of which \$313,054,000 is to carry out the 1973 Act and \$485,011,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to

support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not less than \$126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than \$55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) \$12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than \$5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.

##### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$68,964,000.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$6,900,000.

##### ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been

determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 407. Organizations operating programs under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

##### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, \$420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, \$29,700,000 shall be for costs related to digital program production, development, and distribution, associated with

the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, \$26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110-5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109-149), shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION  
SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454, \$44,450,000, including \$650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES:  
GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$277,131,000: *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION  
SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND  
INFORMATION SCIENCE  
SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$400,000.

NATIONAL COUNCIL ON DISABILITY  
SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,113,000.

NATIONAL LABOR RELATIONS BOARD  
SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD  
SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$12,992,000, of which \$750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).

OCCUPATIONAL SAFETY AND HEALTH REVIEW  
COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$10,696,000.

RAILROAD RETIREMENT BOARD  
DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD  
RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad

Unemployment Insurance Act, \$103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR  
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, \$28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$27,014,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, \$14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this

information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, \$213,000,000, for additional continuing disability reviews and redeterminations of eligibility.

In addition, \$135,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed \$135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$27,000,000, together with not to exceed \$68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

#### TITLE V GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or

video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abor-

tion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.



SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices;
- (6) reorganizes programs or activities; or
- (7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

- (1) augments existing programs, projects (including construction projects), or activities;
- (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
- (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.

SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

- (1) a direct link to the Internet websites of their Offices of Inspectors General; and
- (2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. Section 1848(1)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90), is amended by striking “\$1,350,000,000” and inserting “\$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed \$650,000,000” in the first sentence.

SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section

101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008”.

**SA 3558.** Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

**“SEC. 9023. SUGAR ETHANOL LOAN GUARANTEE PROGRAM.**

“(a) IN GENERAL.—The Secretary shall guarantee the timely payment of 100 percent of the principal and interest due on loans made to finance each of 2 projects under this section to demonstrate the feasibility and viability of the commercial production of ethanol derived from sugarcane, sugarcane bagasse, and other sugarcane byproducts as feed stocks.

“(b) REQUIREMENT.—To receive a loan guarantee under this section, an applicant shall provide to the Secretary assurances satisfactory to the Secretary that—

“(1) the project design has been validated through the operation of a continuous production facility;

“(2) the project has been subject to a full technical review;

“(3) the project, with the loan guarantee, will be economically viable;

“(4) the project includes an operating cane mill the production of which, as of the date of the enactment of this Act, is subject to allotment under section 359c(e)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc(e)(2)); and

“(5) there is reasonable assurance of repayment of the loan.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a loan guarantee under this section—

“(A) may be issued for up to 80 percent of the estimated cost of the project; but

“(B) shall not exceed \$100,000,000 for any 1 project.

“(2) ADDITIONAL GUARANTEES.—The Secretary may issue an additional loan guarantee under this section to cover the lesser of—

“(A) 80 percent of the excess of the actual project cost over the estimated project cost; or

“(B) 10 percent of the amount guaranteed under paragraph (1).

“(3) MAXIMUM TERM OF LOAN GUARANTEE.—The Secretary shall determine the maximum term of a loan guarantee provided under this section.

“(d) GRANTS.—To carry out this section, not later than 5 years after the date of enactment of this Act, the Secretary shall make 2 grants, each of which shall be in the amount of \$10,000,000, for 2 demonstration projects, consistent with the requirements of subsection (b)(4).

“(e) ADMINISTRATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

#### “SEC. 9024. FUTURE FARMSTEADS PROGRAM.

**SA 3559.** Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, strike lines 6 and 7 and insert the following:

“(3) EXCEPTION.—Paragraph (1) does not apply to a payment described in paragraph (2)(B) if the payment is made to an individual or entity in connection with any farming, ranching, or forestry operation carried out in the State of Hawaii.

“(4) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

**SA 3560.** Mr. INOUE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 778, between lines 2 and 3, insert the following:

#### SEC. 60. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) IN GENERAL.—The Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

#### “SEC. 345. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

“(a) DEFINITIONS.—In this section:

“(1) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

“(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘geographically disadvantaged farmer or rancher’ has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

“(b) AUTHORIZATION.—

“(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under sub-

section (d), for each fiscal year, the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

“(2) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed \$15,000,000 for each fiscal year.

“(c) TRANSPORTATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

“(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), farmer or rancher shall provide to the Secretary proof (as determined by the Secretary) that transportation or the agricultural commodity or inputs occurred over a distance of more than 30 miles.

“(3) AMOUNT.—The amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under a subsection for a fiscal year shall equal the product obtained by multiplying—

“(A) the amount of costs incurred by the farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

“(B) the percentage of the allowance for that fiscal year made under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

**SA 3561.** Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SEC. \_\_\_\_ . TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed \$250,000.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retire-

ment plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)s.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term “eligible retirement plan” has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term “qualified taxpayer” means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term “qualified settlement income” means any interest and punitive damage awards which are —

(1) includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post judgment and whether related to a settlement or judgment).

**SA 3562.** Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1115, strike line 8 and insert the following:  
improvements and renewable energy systems (including small hydroelectric systems, as determined by the Secretary); and

**SA 3563.** Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

**SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.**

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is amended by striking subsection (c) and inserting the following:

“(c) FUNDING.—

“(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use \$60,000,000 for each of fiscal years 2008 through 2012.

“(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

“(A) \$3,000,000; or

“(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.”.

**SA 3564.** Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 462, line 2, strike “may” and insert “shall”.

On page 474, strike lines 9 through 25 and insert the following:

“(7) FUNDING.—

“(A) SET ASIDE.—

“(1) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

“(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

“(B) UNUSED FUNDS.—Any funds reserved for a fiscal year under subparagraph (A) that are not obligated by April 1 of that fiscal year may be used to carry out any other activity under a conservation program under subtitle D during the remainder of that fiscal year.

“(C) OVERHEAD AND ADMINISTRATIVE COSTS INELIGIBLE.—No overhead or administrative cost of a partner shall be covered by funds provided pursuant to this paragraph.

“(D) EASTERN SNAKE PLAIN AQUIFER PILOT PROJECT.—

“(i) IN GENERAL.—Notwithstanding subparagraph (B), of amounts available under subparagraph (A), the Secretary shall reserve not less than \$2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

“(ii) APPROVAL.—The Secretary may approve regional water conservation activities under this subparagraph that address, in whole or in part, water quality issues.”.

**SA 3565.** Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Accountability in Government Contracting Act of 2007”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

**TITLE I—ACQUISITION WORKFORCE**

- Sec. 101. Federal acquisition workforce.

**TITLE II—COMPETITION AND ACCOUNTABILITY**

- Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.
- Sec. 202. Statement of work requirements for certain task or delivery orders.
- Sec. 203. Protests of task and delivery orders.
- Sec. 204. Publication of justification and approval documents.
- Sec. 205. Limitation on length of certain noncompetitive contracts.
- Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.
- Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.
- Sec. 208. Guidance on use of cost-reimbursement contracts.
- Sec. 209. Preventing conflicts of interest.
- Sec. 210. Linking of award and incentive fees to acquisition outcomes.

**TITLE III—ACCOUNTABILITY AND ADMINISTRATION**

- Sec. 301. Definitizing of letter contracts.
- Sec. 302. Preventing abuse of interagency contracts and assisted acquisition services.
- Sec. 303. Purchase card waste elimination.
- Sec. 304. Lead systems integrators.
- Sec. 305. Limitations on tiering of subcontractors.
- Sec. 306. Responsibility of contractors that are serious threats to national security.
- Sec. 307. Required certification of program managers for Department of Homeland Security level one programs.
- Sec. 308. Elimination of one-year limitation on interest due on late payments to contractors.
- Sec. 309. Ensuring that Federal employees perform inherently governmental work.
- Sec. 310. Report on Acquisition Advisory Panel report implementation.
- Sec. 311. Report by the Government Accountability Office.
- Sec. 312. Mapping and surveying services.
- Sec. 313. Timely and accurate transmission of information included in Federal Procurement Data System.
- Sec. 314. Use of existing funds for regulations and reports.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) Except as otherwise provided, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “assisted acquisition” means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term “micro-purchase” means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term “multi-agency contract” means any contract available for use by more than 1 executive agency.

**TITLE I—ACQUISITION WORKFORCE**

**SEC. 101. FEDERAL ACQUISITION WORKFORCE.**

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

“(1) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

“(1) supervising the acquisition workforce training fund established under section 37(h)(3);

“(2) administering the government-wide acquisition intern program established under section 43;

“(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

“(4) reviewing and providing input to individual agency acquisition workforce succession plans;

“(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

“(6) carrying out such other functions as the Administrator may assign.”.

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**“SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.**

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

“(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(1) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

“(c) TERMS OF ACQUISITION INTERN PROGRAM.—

“(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

“(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

“(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

“(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

“(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

“(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.”.

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

**“SEC. 44. CONTINGENCY CONTRACTING CORPS.**

“(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the ‘Corps’). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

“(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

“(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

“(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

“(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator’s designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

“(g) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”.

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency’s strategic human capital plan for the recruitment, development, and retention of the agency’s acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency’s acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—

(1) AUTHORIZATION.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136) is amended by striking “September 30, 2007” and inserting “September 30, 2010”.

(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414)

is amended by adding at the end the following new paragraph:

“(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.”.

(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

#### TITLE II—COMPETITION AND ACCOUNTABILITY

##### SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) DEFINITIONS.—In this section:

(1) The term “individual purchase” means a task order, delivery order, or other purchase.

(2) The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

##### SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

“(c) STATEMENT OF WORK AND SELECTION BASIS.—

“(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

“(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

“(A) include a clear statement of the executive agency’s requirements;

“(B) permit a reasonable response period;

“(C) disclose the significant factors and sub-factors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and

the relative importance of those and other factors;

“(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

“(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).”.

(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

“(c) STATEMENT OF WORK AND SELECTION BASIS.—

“(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

“(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

“(A) include a clear statement of the agency’s requirements;

“(B) permit a reasonable response period;

“(C) disclose the significant factors and sub-factors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

“(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

“(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.”.

##### SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

“(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

“(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

“(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:

“(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

“(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

“(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and

section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be \$5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed \$25,000,000. The threshold shall be \$5,000,000 until a final rule is promulgated in accordance with such determination.

**SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.**

(a) **CIVILIAN CONTRACTS.**—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

(b) **DEFENSE CONTRACTS.**—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

**SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

(b) **DEFENSE CONTRACTS.**—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

**SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.”.

(b) **DEFENSE CONTRACTS.**—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.”.

**SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.**

(a) **GUIDANCE REQUIRED.**—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2305).

(b) **ELEMENTS.**—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting offi-

cer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

**SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) **CONTENT.**—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) **INSPECTOR GENERAL REVIEW.**—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

**SEC. 209. PREVENTING CONFLICTS OF INTEREST.**

(a) **ORGANIZATIONAL CONFLICTS OF INTEREST.**—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) **PERSONAL CONFLICTS OF INTEREST.**—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;



(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

#### **SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) **ELEMENTS.**—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

#### **TITLE III—ACCOUNTABILITY AND ADMINISTRATION**

#### **SEC. 301. DEFINITIZING OF LETTER CONTRACTS.**

(a) **CIVILIAN CONTRACTS.**—The Federal Property and Administrative Services Act of

1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 318. DEFINITIZING OF LETTER CONTRACTS.**

“The head of an executive agency shall unilaterally determine all missing terms in an uninitiated letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.”.

(b) **DEFENSE CONTRACTS.**—

(1) **DEFINITIZING OF LETTER CONTRACTS.**—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

#### **“§ 2334. Definitizing of letter contracts**

“The head of an agency shall unilaterally determine all missing terms in an uninitiated letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2334. Definitizing of letter contracts.”.

#### **SEC. 302. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.**

(a) **OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.**—

(1) **REPORT AND GUIDELINES.**—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) **MATTERS COVERED BY GUIDELINES.**—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) **AGENCY REPORTING REQUIREMENT.**—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) **REPORT ON INTERAGENCY CONTRACTING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) **CONTENT.**—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) **PUBLICATION.**—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) **REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) **REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.**—

(1) **REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) **REVIEW.**—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) **APPROVAL REQUIRED.**—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) **EVALUATION OF COSTS.**—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A-76.

(g) **REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.**—

(1) **REVIEW.**—Not later than 270 days after the date of the enactment of this Act, the

head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) **EVALUATION OF COSTS.**—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A-76.

(h) **IMPROVED TRANSPARENCY OF INTER-AGENCY CONTRACTING DATA.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) **EXECUTIVE AGENCY DEFINED.**—In this section, the term "executive agency" includes the Department of Defense, but does not include the military departments and defense agencies.

#### **SEC. 303. PURCHASE CARD WASTE ELIMINATION.**

(a) **REQUIREMENT FOR GUIDANCE.**—

(1) **OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase

card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) **AGENCY REPORTING REQUIREMENT.**—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) **CONGRESSIONAL OVERSIGHT.**—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) **PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.**—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) **REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **ANNUAL REPORTS REQUIRED.**—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) **CONTENT.**—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

#### **SEC. 304. LEAD SYSTEMS INTEGRATORS.**

(a) **STUDY.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) **GUIDANCE.**—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

#### **SEC. 305. LIMITATIONS ON TIERING OF SUB-CONTRACTORS.**

(a) **REGULATIONS.**—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors

or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) **COVERED CONTRACTS.**—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

#### **SEC. 306. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.**

(a) **RESPONSIBILITY OF CONTRACTOR.**—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

#### **SEC. 307. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.**

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than \$100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

#### **SEC. 308. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.**

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2)."

#### **SEC. 309. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.**

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A-76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

#### **SEC. 310. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the "Panel") established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 405 note).

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification

and discussion of the reasons for not implementing such recommendations.

**SEC. 311. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) **REPORT.**—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) **CONTENT.**—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) **GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

**SEC. 312. MAPPING AND SURVEYING SERVICES.**

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

**SEC. 313. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.**

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) **TRANSMISSION AND DATA ENTRY OF INFORMATION.**—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”

**SEC. 314. USE OF EXISTING FUNDS FOR REGULATIONS AND REPORTS.**

Provisions and amendments of this Act requiring the promulgation of regulations or the production of reports shall be carried out using existing funds.

**NOTICE OF HEARING**

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, December 12, 2007, at 10 a.m., in order to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, November 7, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will discuss research and development efforts to safely and efficiently sequester carbon dioxide. Carbon dioxide capture and sequestration is a widely discussed solution to decreasing atmospheric concentrations of carbon dioxide.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled “Examining U.S. Government Enforcement of Intellectual Property Rights” on Wednesday, November 7, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a markup of S. 2300, the Small Business Contracting Revitalization Act of 2007. The meeting will commence on Wednesday, November 7, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, November 7, 2007, in order to conduct an oversight hearing on performance and structure of the U.S. Court of Appeals for Veterans Claims. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**NAMING OF THE OSCAR G. JOHNSON VETERANS MEDICAL FACILITY**

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 2602, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2602) to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the “Oscar G. Johnson Department of Veterans Affairs Medical Facility”.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid on the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2602) was ordered to a third reading, was read the third time, and passed.

**ACCOUNTABILITY IN GOVERNMENT CONTRACTING ACT OF 2007**

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 420, S. 680.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 680) to ensure proper oversight and accountability in Federal contracting, and for other purposes.

Without objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Accountability in Government Contracting Act of 2007”.*

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. Definitions.*

**TITLE I—ACQUISITION WORKFORCE**

*Sec. 101. Federal acquisition workforce.*

**TITLE II—COMPETITION AND ACCOUNTABILITY**

- Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.*
- Sec. 202. Statement of work requirements for certain task or delivery orders.*
- Sec. 203. Protests of task and delivery orders.*
- Sec. 204. Publication of justification and approval documents.*
- Sec. 205. Limitation on length of certain non-competitive contracts.*
- Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.*
- Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.*

Sec. 208. Guidance on use of cost-reimbursement contracts.

Sec. 209. Preventing conflicts of interest.

Sec. 210. Linking of award and incentive fees to acquisition outcomes.

### TITLE III—ACCOUNTABILITY AND ADMINISTRATION

Sec. 301. Recording of obligations on task order contracts.

Sec. 302. Definitizing of letter contracts.

Sec. 303. Preventing abuse of interagency contracts and assisted acquisition services.

Sec. 304. Purchase card waste elimination.

Sec. 305. Lead systems integrators.

Sec. 306. Limitations on tiering of subcontractors.

Sec. 307. Responsibility of contractors that are serious threats to national security.

Sec. 308. Required certification of program managers for Department of Homeland Security level one programs.

Sec. 309. Elimination of one-year limitation on interest due on late payments to contractors.

Sec. 310. Ensuring that Federal employees perform inherently governmental work.

Sec. 311. Report on Acquisition Advisory Panel report implementation.

Sec. 312. Report by the Government Accountability Office.

Sec. 313. Mapping and surveying services.

Sec. 314. Timely and accurate transmission of information included in Federal Procurement Data System.

### SEC. 3. DEFINITIONS.

In this Act:

(1) Except as otherwise provided, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “assisted acquisition” means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term “micro-purchase” means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term “multi-agency contract” means any contract available for use by more than 1 executive agency.

### TITLE I—ACQUISITION WORKFORCE

#### SEC. 101. FEDERAL ACQUISITION WORKFORCE.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

“(1) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

“(1) supervising the acquisition workforce training fund established under section 37(h)(3);

“(2) administering the government-wide acquisition intern program established under section 43;

“(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital

Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

“(4) reviewing and providing input to individual agency acquisition workforce succession plans;

“(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

“(6) carrying out such other functions as the Administrator may assign.”.

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

#### “SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

“(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

“(c) TERMS OF ACQUISITION INTERN PROGRAM.—

“(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

“(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

“(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

“(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

“(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

“(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.”.

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

#### “SEC. 44. CONTINGENCY CONTRACTING CORPS.

“(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the ‘Corps’). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

“(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal em-

ployees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

“(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

“(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

“(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator’s designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

“(g) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”.

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) *IN GENERAL.*—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) *CONTENT OF PLAN.*—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) *AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.*—

(1) *AUTHORIZATION.*—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) *USE OF FUNDS.*—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) *AVAILABILITY.*—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) *ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.*—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) *TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.*—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) *EXTENSION OF DIRECT HIRING AUTHORITY.*—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

(m) *QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.*—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

"(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background."

(n) *UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.*—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider re-

cruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

## TITLE II—COMPETITION AND ACCOUNTABILITY

### SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) *REGULATIONS REQUIRED.*—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) *CONTENT OF REGULATIONS.*—

(1) *IN GENERAL.*—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) *COMPETITIVE BASIS PROCEDURES.*—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) *EXCEPTION TO NOTICE REQUIREMENT.*—

(A) *IN GENERAL.*—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) *LIMITATION ON EXCEPTION.*—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) *NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.*—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) *DEFINITIONS.*—In this section:

(1) The term "individual purchase" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) *APPLICABILITY.*—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

### SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) *CIVILIAN CONTRACTS.*—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

"(c) *STATEMENT OF WORK AND SELECTION BASIS.*—

"(1) *IN GENERAL.*—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(2) *TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.*—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

"(A) include a clear statement of the executive agency's requirements;

"(B) permit a reasonable response period;

"(C) disclose the significant factors and sub-factors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

"(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

"(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e)."

(b) *DEFENSE CONTRACTS.*—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

"(c) *STATEMENT OF WORK AND SELECTION BASIS.*—

"(1) *IN GENERAL.*—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(2) *TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.*—The statement

of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

“(A) include a clear statement of the agency’s requirements;

“(B) permit a reasonable response period;

“(C) disclose the significant factors and sub-factors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

“(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

“(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.”.

#### **SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

“(d) **PROTESTS.**—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

“(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

“(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(b) **DEFENSE CONTRACTS.**—Section 2304c(d) of title 10, United States Code is amended to read as follows:

“(d) **PROTESTS.**—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

“(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

“(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(c) **ESTABLISHMENT OF THRESHOLD.**—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be \$5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed \$25,000,000. The threshold shall be \$5,000,000 until a final rule is promulgated in accordance with such determination.

#### **SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.**

(a) **CIVILIAN CONTRACTS.**—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253f(1)) is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

(b) **DEFENSE CONTRACTS.**—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

#### **SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

(b) **DEFENSE CONTRACTS.**—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

#### **SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and

on the Federal Business Opportunities (FedBizOpps) Internet website.”.

(b) **DEFENSE CONTRACTS.**—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.”.

#### **SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.**

(a) **GUIDANCE REQUIRED.**—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2305).

(b) **ELEMENTS.**—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

#### **SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) **CONTENT.**—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) **INSPECTOR GENERAL REVIEW.**—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.



**SEC. 209. PREVENTING CONFLICTS OF INTEREST.**

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) PERSONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

**SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any,

which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

**TITLE III—ACCOUNTABILITY AND ADMINISTRATION****SEC. 301. RECORDING OF OBLIGATIONS ON TASK ORDER CONTRACTS.**

(a) CIVILIAN CONTRACTS.—

(1) IN GENERAL.—Section 303H of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h) is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection:

“(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.”

“(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.”

“(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.”

(2) ADVISORY AND ASSISTANCE SERVICES.—Section 303I of such Act (41 U.S.C. 253i) is amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection:

“(h) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.”

“(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.”

“(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.”

(b) DEFENSE CONTRACTS.—

(1) IN GENERAL.—Section 2304a of title 10, United States Code, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection:

“(g) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.”

“(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.”

“(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.”

(2) ADVISORY AND ASSISTANCE SERVICES.—Section 2304b of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsections (g); and

(B) by inserting after subsection (e) the following new subsection:

“(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.”

“(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.”

“(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.”

**SEC. 302. DEFINITIZING OF LETTER CONTRACTS.**

(a) CIVILIAN CONTRACTS.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**“SEC. 318. DEFINITIZING OF LETTER CONTRACTS.**

“The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.”

(b) DEFENSE CONTRACTS.—

(1) DEFINITIZING OF LETTER CONTRACTS.—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

**“§2334. Definitizing of letter contracts**

“The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2334. Definitizing of letter contracts.”

**SEC. 303. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.**

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this

Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) **MATTERS COVERED BY GUIDELINES.**—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) **AGENCY REPORTING REQUIREMENT.**—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) **REPORT ON INTERAGENCY CONTRACTING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) **CONTENT.**—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) **PUBLICATION.**—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) **REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) **REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.**—

(1) **REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) **REVIEW.**—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) **APPROVAL REQUIRED.**—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) **EVALUATION OF COSTS.**—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A-76.

(g) **REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.**—

(1) **REVIEW.**—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) **EVALUATION OF COSTS.**—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A-76.

(h) **IMPROVED TRANSPARENCY OF INTERAGENCY CONTRACTING DATA.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) **EXECUTIVE AGENCY DEFINED.**—In this section, the term "executive agency" includes the Department of Defense, but does not include the military departments and defense agencies.

#### **SEC. 304. PURCHASE CARD WASTE ELIMINATION.**

(a) **REQUIREMENT FOR GUIDANCE.**—

(1) **OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive in-

formation pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) **AGENCY REPORTING REQUIREMENT.**—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) **CONGRESSIONAL OVERSIGHT.**—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) **PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.**—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) **REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **ANNUAL REPORTS REQUIRED.**—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) **CONTENT.**—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

**SEC. 305. LEAD SYSTEMS INTEGRATORS.**

(a) *STUDY*.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) *GUIDANCE*.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

**SEC. 306. LIMITATIONS ON TIERING OF SUB-CONTRACTORS.**

(a) *REGULATIONS*.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) *COVERED CONTRACTS*.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

**SEC. 307. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.**

(a) *RESPONSIBILITY OF CONTRACTOR*.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) *REGULATIONS*.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

**SEC. 308. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.**

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than \$100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

**SEC. 309. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.**

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2).”.

**SEC. 310. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.**

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A-76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

**SEC. 311. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.**

(a) *IN GENERAL*.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the “Panel”) established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 405 note).

(b) *CONTENT*.—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification and discussion of the reasons for not implementing such recommendations.

**SEC. 312. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) *REPORT*.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) *CONTENT*.—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) *GOVERNMENT ACCOUNTABILITY OFFICE REVIEW*.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

**SEC. 313. MAPPING AND SURVEYING SERVICES.**

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

**SEC. 314. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.**

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) *TRANSMISSION AND DATA ENTRY OF INFORMATION*.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the

General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”.

Mr. DURBIN. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee-reported amendment as amended be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 3565) was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 680) was ordered to be engrossed for a third reading, was read the third time, and passed.

**MEASURE READ THE FIRST TIME—S. 2318**

Mr. DURBIN. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2318) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

Mr. DURBIN. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

**ORDERS FOR THURSDAY, NOVEMBER 8, 2007**

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m., Thursday, November 8; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees; provided that the majority controls the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume the veto message on H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 8, 2007, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.  
CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

VICTORIA CLARKE, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE PENNE PERCY KORTH, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE BARBARA MCCONNELL BARRETT, TERM EXPIRED.

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE DOROTHY A. JOHNSON, TERM EXPIRED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

S. NAJLAA ABDUS-SAMAD, OF NEW YORK  
J. ANDREW ABELL, OF THE DISTRICT OF COLUMBIA  
ANTHONY W. ALEXANDER, OF CALIFORNIA  
CHRISTOPHER CAMPBELL ALLISON, OF MISSOURI  
ERIANA ANDRABI, OF WASHINGTON  
FARIS Y. ASAD, OF OHIO  
FOREST GRADY ATKINSON, OF CALIFORNIA  
BENJAMIN SETH BAILEY, OF WASHINGTON  
ANNE ELIZABETH BAKEY, OF WASHINGTON  
CHELSEA M. BAKKEN, OF WASHINGTON  
DANIELA A. BALLARD, OF CALIFORNIA  
ANN BARROW, OF FLORIDA  
ALISTAIR CHARLES BASKEY, OF TEXAS  
TODD MICHAEL BATE-POXON, OF FLORIDA  
MATTHEW KENNETH BEH, OF NEW YORK  
MARIJU LIBO-ON BOFILL, OF WEST VIRGINIA  
SCOTT CHARLES BOLZ, OF WASHINGTON  
PAULINE NICOLE BORRIES, OF CALIFORNIA  
JENNIFER F. BOSWORTH, OF THE DISTRICT OF COLUMBIA  
TOBIAS ALYN BRADFORD, OF TEXAS  
STACIA A. BROTHERS-JACKSON, OF GEORGIA  
CHRISTOPHER CHARLES BROWN, OF WISCONSIN  
D.A. BROWN, OF FLORIDA  
JUSTIN PATRICK BUCKLEY, OF CALIFORNIA  
THOMAS E. BROWN, JR., OF MARYLAND  
TIMOTHY PATRICK BUCKLEY, OF NEW YORK  
DAYLE REBECCA CUDEN, OF TEXAS  
LYRA SHARON CARL, OF NEVADA  
CASSANDRA CARRAWAY, OF CALIFORNIA  
MICHAEL J. CARVER, OF TEXAS  
ERIC CATALANO, OF FLORIDA  
ETHAN DANIEL CHORIN, OF CALIFORNIA  
LEWIS A. CLARK, OF TEXAS  
CHRISTOPHER T. CORTESE, OF FLORIDA  
KIM D'AURIA-VAZIRA, OF CALIFORNIA  
TIMMY T. DAVIS, OF CALIFORNIA  
FRANK DEPARIS, OF VIRGINIA  
SHELLY J. DITTMAR, OF NEW YORK  
KATYA DMITRIEVA, OF NEW YORK  
ANDREA SUSANA M. DONNALLY, OF FLORIDA  
JED TARO DORNBERG, OF THE DISTRICT OF COLUMBIA  
DANIEL S. DUANE, OF NEW YORK

JULIE A. EADEH, OF MICHIGAN  
MICHAEL G. EDWARDS, OF WASHINGTON  
KIERA LACEY EMMONS, OF CALIFORNIA  
RICHARD J. FAILLACE, OF NEW JERSEY  
JOSEPH T. FARRELLY, OF THE DISTRICT OF COLUMBIA  
YURIY R. FEDKIW, OF OHIO  
JULIA C. FENDRICK, OF MARYLAND  
TIMOTHY J. FINGARSON, OF MARYLAND  
ANDREA FINNEGAN, OF NEW YORK  
REES M. FISCHER, OF FLORIDA  
MICHAEL KEVIN FITZPATRICK, OF MARYLAND  
CHRISTOPHER T. FRIEFELD, OF VIRGINIA  
THOMAS BARRY FULLERTON, JR., OF TENNESSEE  
ENRIQUE RODRIGO GALLEGO, OF ILLINOIS  
ANGELA LOUISE GEMZA, OF MINNESOTA  
ANITA GHILDYAL, OF MISSOURI  
MATTHEW BRYANT GOLDEN, OF CALIFORNIA  
CANDACE A. GRAVES, OF NORTH CAROLINA  
JOHN H. GREGG, OF ALABAMA  
JASON KAMATA HACKWORTH, OF WASHINGTON  
DANIEL E. HALL, OF ARIZONA  
SCOTT WILLIAM HANSEN, OF VIRGINIA  
ALEXANDER K. HARDIN, OF OHIO  
DANIELLE ALISA HARMS, OF PENNSYLVANIA  
SCOTT EDWARD HARTMANN, OF THE DISTRICT OF COLUMBIA  
LESLEY M. HAYDEN, OF MINNESOTA  
RICH HEATON, OF CALIFORNIA  
MARIA HERBST RICHART, OF ALASKA  
PRISCILLA A. HERNANDEZ, OF TEXAS  
KARY I. HINTZ-TATE, OF VIRGINIA  
COURTNEY HOUK, OF FLORIDA  
JERRY S. ISMAIL, OF VIRGINIA  
JOSEPH SAMUEL JACANIN, OF INDIANA  
RICHARD C. JAO, OF NEW YORK  
JUDITH M. JOHNSON, OF TEXAS  
TODD M. KATSCHE, OF ILLINOIS  
PAMELA R. KAZI, OF MINNESOTA  
MARY ELIZABETH KNAPP-RASAY, OF FLORIDA  
ELIZABETH J. KONICK, OF NEW YORK  
BRYAN K. KOONITZ, JR., OF VIRGINIA  
STEPHEN GYULA KOVACSICS, OF FLORIDA  
ERIC J. KRAMP, OF FLORIDA  
MARYBETH KRUMM, OF CALIFORNIA  
JAMIE TYLER LA MORE, OF ARIZONA  
MARSHA ANN LANCE, OF ARIZONA  
JOHN C. LETVIN, OF FLORIDA  
ADHAM ZIBAS LOUFTI, OF CALIFORNIA  
CHRISTIAN J. LYNCH, OF NEW YORK  
THOMAS H. LYONS, OF TENNESSEE  
MICHAEL H. MARGOLIES, OF LOUISIANA  
ANN L. MASON, OF MICHIGAN  
JENNIFER J. MCALPINE, OF MINNESOTA  
EVAN MCCARTHY, OF RHODE ISLAND  
ROBERT A. MCCUTCHEON, OF MARYLAND  
SHANNON TOVAN MCDANIEL, OF MISSOURI  
JASON MCINERNEY, OF CALIFORNIA  
JOHN T. MCNAMARA, OF NEW YORK  
BERNADETTE M. MEEHAN, OF NEW YORK  
RICHARD CONRAD MICHAEL, OF ARIZONA  
MATTHEW J. MILLER, OF WYOMING  
ANTHONY MIRANDA, OF WASHINGTON  
REBECCA SHIRA MORGAN, OF ILLINOIS  
ERIC C. MORIN, OF FLORIDA  
JAMES M. MORRIS, OF MASSACHUSETTS  
JOSHUA C. MORRIS, OF WASHINGTON  
OLIVER JOHN MOSS III, OF FLORIDA  
JUNAID MAZHAR MUNIR, OF MICHIGAN  
FAHEZ AHMAD NADI, OF NEW YORK  
ARI NATHAN, OF CALIFORNIA  
JAMES PATRICK NEEL, OF NEVADA  
PETER NEISULER, OF MASSACHUSETTS  
PHILLIP B. NERVIG, OF NEW YORK  
DAVID C. NG, OF ARIZONA  
SADIA NAZI, OF VIRGINIA  
SEAN PATRICK O'HARA, OF VIRGINIA  
TREVOR R. OLSON, OF IDAHO  
ADAM DANIEL PACKER, OF INDIANA  
CHRISTINE D. PARKER, OF ILLINOIS  
WALTER PARRIS III, OF NEW YORK  
DEXTER C. PAYNE, OF VIRGINIA  
JONATHAN R. PECCIA, OF ILLINOIS  
ROBERT PATRICK PECK, OF FLORIDA  
ELIZABETH LYNN PERRY, OF MASSACHUSETTS  
TIMOTHY C. PHILLIPS, OF CALIFORNIA  
MICHAEL EDWARD PIGNATELLO, OF THE DISTRICT OF COLUMBIA  
CYNTHIA L. PLATH, OF CALIFORNIA  
MARY ELIZABETH ROSE POLLEY, OF VIRGINIA  
JENNIFER KATHLEEN PURL, OF CALIFORNIA  
SARA M. REVELL, OF TEXAS  
JASON BRADLEY RIEFF, OF THE DISTRICT OF COLUMBIA  
BERNADETTE EILEEN ROBERTS, OF MICHIGAN  
BENEDICT ROBINETTE, OF VIRGINIA  
SCOTT ASHTON ROBINSON, OF CALIFORNIA  
JACQUELYN BURKE ROSHOLT, OF MINNESOTA  
JEFF DOUGLAS ROSS, OF CONNECTICUT  
JEFF ROTERING, OF NORTH DAKOTA  
RUTH ELLEN RUDZINSKI, OF COLORADO  
EMMETT J. RYAN, JR., OF MONTANA  
KIRK HARRIS SANDERS, OF WISCONSIN  
JANET NICOLE SANDERS, OF ARKANSAS  
GABRIELLE HAYES SARRANO, OF VIRGINIA  
BRIAN L.M. SAUNDERS, OF MINNESOTA  
KAREN P. SCHINNERER, OF MICHIGAN  
J. MICHELLE SCHONH, OF NORTH CAROLINA  
DAWN M. SCHREPEL, OF TEXAS  
VANESSA A. SCHULZ, OF THE DISTRICT OF COLUMBIA  
SHELLY A. SEAVER, OF FLORIDA  
JUNE A. SHIN, OF CALIFORNIA  
JOHN H. SILSON, OF OHIO  
DANIEL E. SLAVEN, OF TEXAS  
PATRICK T. IOWINSKI, OF TEXAS  
BETH MOSER SMITH, OF VIRGINIA  
BRIAN KENNETH STIMMLER, OF FLORIDA  
CHRISTY MELICIA WATKINS STONER, OF VIRGINIA  
AMY L. STORROW, OF TEXAS

BRYAN RICHARD SWITZER, OF CALIFORNIA  
MATTHEW ALAN TAYLOR, OF FLORIDA  
PAUL S. THOMAS, OF COLORADO  
ANTHONY DEAN TRANCHINA, OF NEW YORK  
SHAWN HARRIS TRIBE, OF CALIFORNIA  
KAREN K. TSAI, OF NEW YORK  
FRANK F. TU, OF CALIFORNIA  
MICHAEL TURNER, OF CALIFORNIA  
SUSAN LEA UNRUH, OF TEXAS  
ADAM RICHARD VOGELZANG, OF MICHIGAN  
JASON VORDERSTRASSE, OF CALIFORNIA  
JOCELYN ANN VOSSLER, OF CALIFORNIA  
SHARON ANN WEBER-RIVERA, OF NEW YORK  
HELAENA WOSSUM WHITE, OF TENNESSEE  
SCOTT LEE WHITMORE, OF NEW HAMPSHIRE  
JOHN DAVID WILCOCK, OF VIRGINIA  
EMILY L. WILLIAMS, OF MINNESOTA  
PATRICK C. WILLIAMS III, OF WEST VIRGINIA  
RACHEL ELIZABETH WOLFE, OF VIRGINIA  
CARSON H. WU, OF VIRGINIA  
MICHAEL H. YOUNG, OF CALIFORNIA  
STACIE ZERDECKI, OF TEXAS  
MELANIE ANNE ZIMMERMAN, OF MARYLAND  
JIM ZIX, OF OREGON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF COMMERCE

LAWRENCE G. JOHNSON, OF CALIFORNIA  
TRACY T. PERRELLI, OF THE DISTRICT OF COLUMBIA  
LISA RIGOLI, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KURT WALTER TONG, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LONNIE J. PRICE, OF VIRGINIA

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

### To be vice admiral

REAR ADM. CLIFFORD I. PEARSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

### To be vice admiral

VICE ADM. ROBERT J. PAPP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

### To be vice admiral

REAR ADM. DAVID P. PEKOSKE, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be lieutenant general

MAJ. GEN. JEFFREY A. SORENSON, 0000

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

### To be lieutenant commander

STEVEN C. ACOSTA, 0000  
MICHAEL N. ADAMS, 0000  
STERLING V. ADLAKHA, 0000  
MICHAEL J. ANDERSON, 0000  
TODD W. ANDERSON, 0000  
RALPH P. ANGUANO, 0000  
BRADFORD E. APITZ, 0000  
WALTER J. ARMSTRONG, 0000  
WILLIAM L. ARMITT, 0000  
MATTHEW J. BAER, 0000  
GRETCHEN M. BAILLEY, 0000  
GREGORY R. BARBLAU, 0000  
KLAUS J. BARBOZA, 0000  
PATRICK T. BARRELLI, 0000  
KEVIN M. BARRES, 0000  
ROBERT B. BARTHELMES, 0000  
WILLIAM M. BASHWINGER, 0000  
CHARLES E. BASS, 0000  
JONATHAN BATES, 0000  
JOSHUA D. BAUMAN, 0000  
ABBY S. BENSON, 0000  
ALEX W. BERGMAN, 0000  
MICHAEL J. BERGMAN, 0000  
JAMES B. BERNSTEIN, 0000  
KRISTI L. BERNSTEIN, 0000  
KEVIN C. BERRY, 0000

JASON M. BIGGAR, 0000  
 KATIE R. BLANCHARD, 0000  
 KERRY R. BLOUNT, 0000  
 DIANNA L. BO, 0000  
 MATTHEW A. BRADEN, 0000  
 JOHN B. BRADY, 0000  
 MARC BRANDT, 0000  
 MARK A. BRAXTON, 0000  
 JASON A. BRENNELL, 0000  
 CHARLES J. BRIGHT, 0000  
 JOSEPH D. BROWN, 0000  
 RANDALL E. BROWN, 0000  
 ROY R. BRUBAKER, 0000  
 GREGG W. CASAD, 0000  
 ERIC R. CASLER, 0000  
 KIMBERLY B. CHESTEEN, 0000  
 WALTER CHUBRICK, 0000  
 HECTOR L. CINTRONALBINO, 0000  
 BRYAN E. CLAMPITT, 0000  
 JEFFREY S. CLARK, 0000  
 ROBERT K. COLBY, 0000  
 MATTHEW R. COLMER, 0000  
 PETER A. COOK, 0000  
 ANGELA L. COOPER, 0000  
 JOANDREW D. COUSINS, 0000  
 CHRISTOPHER F. COUTU, 0000  
 THOMAS D. CRANE, 0000  
 DEREK L. CROMWELL, 0000  
 CHARLES C. CULOTTA, 0000  
 MARCIE L. CULOTTA, 0000  
 KENNETH C. CUTLER, 0000  
 ROQUE DANAS, 0000  
 WILLIAM M. DANIELS, 0000  
 ALFORD L. DANZY, 0000  
 THOMAS C. DARCY, 0000  
 CARMEN S. DEGEORGE, 0000  
 FRANCIS J. DELROSSO, 0000  
 KELLY K. DENNING, 0000  
 FREDERICK D. DETAR, 0000  
 STEPHEN A. DEVEREUX, 0000  
 JOSE E. DIAZ, 0000  
 JON A. DIGIORGIO, 0000  
 JOHN R. DITTMAR, 0000  
 JANINE E. DONOVAN, 0000  
 DAVID M. DUBAY, 0000  
 MIA P. DUTCHER, 0000  
 TIMOTHY W. EASON, 0000  
 JAMES P. EILAND, 0000  
 JOHN A. ELY, 0000  
 THEODORE J. ERDMAN, 0000  
 ANTHONY S. ERICKSON, 0000  
 BRIAN C. ERICKSON, 0000  
 SEAN C. FAHEY, 0000  
 JOSHUA W. FANT, 0000  
 JOHN M. FEREBEE, 0000  
 WILLIAM D. FIELD, 0000  
 TODD A. FISHER, 0000  
 JAMES T. FLANNERY, 0000  
 CORINNA M. FLEISCHMANN, 0000  
 AURORA I. FLEMING, 0000  
 BENJAMIN E. FLEMING, 0000  
 FRANK L. FLOOD, 0000  
 TAMARA L. FLOODINE, 0000  
 KEVIN D. FLOYD, 0000  
 JAMES G. FORGY, 0000  
 THOMAS R. FOSTER, 0000  
 PAUL E. FRANTZ, 0000  
 MATTHEW J. FUNDERBURK, 0000  
 CHRISTOPHER J. GAGNON, 0000  
 LAWRENCE D. GAILLARD, 0000  
 JOSEPH W. GASKILL, 0000  
 BENJAMIN A. GATES, 0000  
 EDWARD P. GERAGHTY, 0000  
 MARK A. GIBBS, 0000  
 BENJAMIN M. GOLIGHTLY, 0000  
 WADE W. GOUGH, 0000  
 MARK A. GRABOSKI, 0000  
 MARCELLA A. GRANQUIST, 0000  
 TIMOTHY J. GRANT, 0000  
 DANIEL W. GRAY, 0000  
 SHAWN C. GRAY, 0000  
 CHANCE C. GREENE, 0000

ANDREW L. GUEDRY, 0000  
 JASON B. GUNNING, 0000  
 LUIS E. GUTIERREZ, 0000  
 JOHN K. HAHN, 0000  
 THOMAS J. HALL, 0000  
 MATTHEW W. HAMMOND, 0000  
 KEITH T. HANLEY, 0000  
 SEAN P. HANNIGAN, 0000  
 JOANNE N. HANSON, 0000  
 KATRINA B. HARPER, 0000  
 THOMAS T. HARRISON, 0000  
 CHARLES W. HAWKINS, 0000  
 CASEY J. HEHR, 0000  
 ERIC A. HELGEN, 0000  
 BRIAN J. HENRY, 0000  
 EDWARD J. HERNAEZ, 0000  
 WESLEY H. HESTER, 0000  
 TOBY L. HOLDRIDGE, 0000  
 BRIAN P. HOPKINS, 0000  
 WESLEY K. HOUT, 0000  
 DAVID F. HUNTER, 0000  
 TEDD B. HUTLEY, 0000  
 JEFFREY H. JAGER, 0000  
 JERALD R. JARVI, 0000  
 STEPHEN B. JAUDON, 0000  
 RANDY J. JENKINS, 0000  
 KAREN C. JENSEN, 0000  
 STARLING S. JINRIGHT, 0000  
 ERIC J. JONES, 0000  
 RADIAH M. JONES, 0000  
 SCOTT B. JONES, 0000  
 WAYNE E. KEAN, 0000  
 MICHAEL A. KEANE, 0000  
 CARL M. KEPPER, 0000  
 IBRAHIM M. KHALIL, 0000  
 BRIAN R. KHEY, 0000  
 MICHAEL E. KICKLIGHTER, 0000  
 JUSTIN A. KIMURA, 0000  
 WADE S. KIRSCHNER, 0000  
 CASSIE ANN KITCHEN, 0000  
 JOSEPH W. KLATT, 0000  
 CHICO R. KNIGHT, 0000  
 ROBERT K. KORNEXL, 0000  
 DIRK L. KRAUSE, 0000  
 BRIAN C. KRAUTLER, 0000  
 JON M. KREISCHER, 0000  
 PERRY J. KREMER, 0000  
 THOMAS E. KUHAAR, 0000  
 JOSEPH T. LALLY, 0000  
 TAYLOR Q. LAM, 0000  
 ERIK LASALLE, 0000  
 TIMOTHY R. LAVIER, 0000  
 DANIEL F. LEARY, 0000  
 LYNDIA C. LECRONE, 0000  
 MICHAEL D. LENDVAY, 0000  
 LANCE E. LINDGREN, 0000  
 TIMOTHY J. LIST, 0000  
 JOHN H. LOVEJOY, 0000  
 LEANNE M. LUSK, 0000  
 BRIAN LY, 0000  
 ERICA N. MACK, 0000  
 KEASHA D. MARTINDILL, 0000  
 JOSE D. MARTIS, 0000  
 BENJAMIN J. MAULE, 0000  
 ALAN B. MCCABE, 0000  
 LEON MCCLAIN, 0000  
 TIMOTHY M. MCCLELLAN, 0000  
 IAIN LAEL MCCONNELL, 0000  
 PAUL S. MCCONNELL, 0000  
 KEVIN J. MCCORMACK, 0000  
 CARMEN A. MCKINSTRY, 0000  
 AARON R. MEADOWS-HILLS, 0000  
 MICHAEL L. MEDICA, 0000  
 JASON L. MENAPACE, 0000  
 IVAN R. MENESES, 0000  
 ZEITA MERCHANT, 0000  
 JOSEPH E. MEUSE, 0000  
 JOHN MILLER, 0000  
 JOSHUA P. MILLER, 0000  
 DEAN J. MILNE, 0000  
 JOHN HENRY MIXSON, 0000  
 ROBERT W. MOORE, 0000

SIMONE R. MOORE, 0000  
 STEPHANIE A. MORRISON, 0000  
 DAVID B. MURRAY, 0000  
 PATRICK M. MURRAY, 0000  
 ROBERT D. MUTTO, 0000  
 GARY R. NAUS, 0000  
 RAYMOND NEGRON, 0000  
 ERIC D. PEACE, 0000  
 JEFFREY S. PEARSON, 0000  
 ROBERT M. PEKARI, 0000  
 ARTURO S. PEREZ, 0000  
 JOSE PEREZ, 0000  
 MARK E. PESNELL, 0000  
 THOMAS S. PHILBRICK, 0000  
 KRISTIAN B. PICKRELL, 0000  
 MICHAEL R. PIerno, 0000  
 JEFFREY J. PILE, 0000  
 CHARLOTTE E. PITTMAN, 0000  
 MICHAEL J. PLUMLEY, 0000  
 ERIC C. POPIEL, 0000  
 KENNETH R. POST, 0000  
 SCOTT B. POWERS, 0000  
 CLINTON J. PRINDLE, 0000  
 BRIAN H. PROVINCE, 0000  
 ARTHUR L. RAY, 0000  
 TODD E. RAYBON, 0000  
 JAMES E. REYNOLDS, 0000  
 JAMIE L. RICKERSON, 0000  
 VICTOR F. RIVERA, 0000  
 ROGER G. ROBITAILLE, 0000  
 LUIS J. RODRIGUEZ, 0000  
 BRUST B. ROETHLER, 0000  
 JAMES M. ROGAN, 0000  
 JERREL W. RUSSELL, 0000  
 CHRISTY D. RUTHERFORD, 0000  
 MARIA A. RUTTIG, 0000  
 ROBERT G. SALEMBER, 0000  
 PRIDE L. SANDERS, 0000  
 MICHAEL R. SARNOWSKI, 0000  
 CHRISTINA M. SCHULTZ, 0000  
 RICHARD M. SCOTT, 0000  
 KELLY C. SEALS, 0000  
 WILLIAM E. SEWARD, 0000  
 GREGORY J. SILVA, 0000  
 PETER J. SIMONDS, 0000  
 MICHAEL R. SINCLAIR, 0000  
 KEVIN J. SMITH, 0000  
 ANTONIO R. SOLIZ, 0000  
 BOWEN C. SPIEVACK, 0000  
 JOSHUA T. STEFFEN, 0000  
 ERICH V. STEIN, 0000  
 BLAKE D. STOCKWELL, 0000  
 JENNIFER A. STOCKWELL, 0000  
 VERONICA A. STREITMATTER, 0000  
 JOHN R. TAYLOR, 0000  
 SHAD A. THOMAS, 0000  
 MATTHEW A. THOMPSON, 0000  
 PATRICK M. THOMPSON, 0000  
 DEREK R. THORSRUD, 0000  
 CRAIG S. TOOMEY, 0000  
 GREGORY M. TOZZI, 0000  
 ALLEN R. TURNER, 0000  
 KEITH M. UTLEY, 0000  
 VINCENT W. VANNESS, 0000  
 MICHAEL R. VAUGHN, 0000  
 GREGORY J. VIOLA, 0000  
 DANIEL R. WARREN, 0000  
 DOUGLAS G. WATSON, 0000  
 JAMES D. WEAVER, 0000  
 DAVID M. WEBB, 0000  
 MATTHEW T. WELLER, 0000  
 ERIC A. WESCOTT, 0000  
 ANDRE J. WHIDBEE, 0000  
 EDWARD A. WIELAND, 0000  
 DAMON A. WILLIAMS, 0000  
 ERIN E. WILLIAMS, 0000  
 TERENCE J. WILLIAMS, 0000  
 AMY E. WIRTS, 0000  
 CHRISTOPHER G. WOLFE, 0000  
 NICHOLAS L. WONG, 0000  
 MARC A. ZLOMEK, 0000